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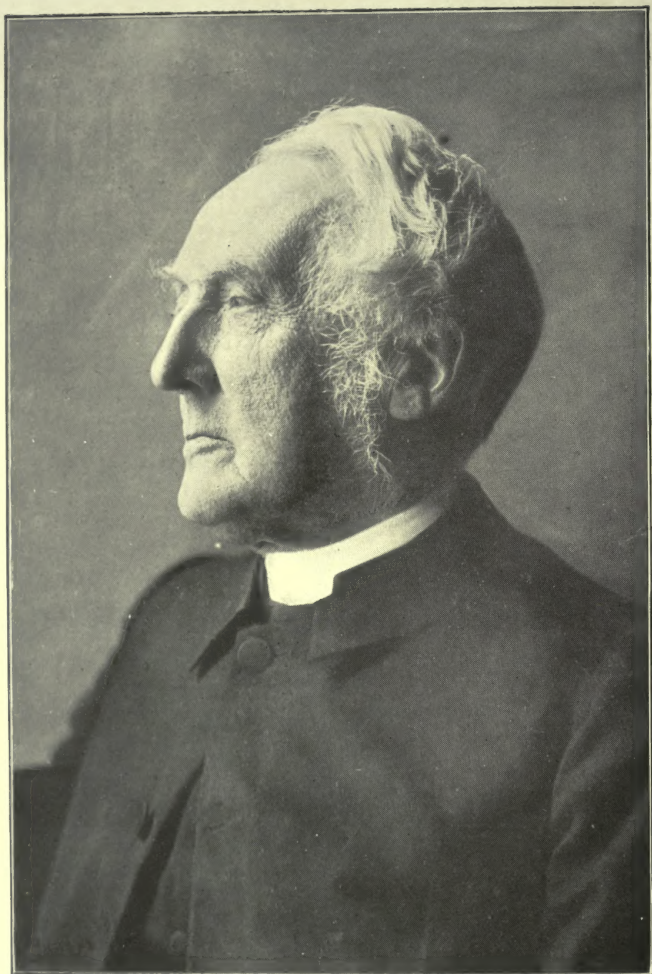


PRINCIPAL RAINY









PRINCIPAL RAINY

A RECENT PORTRAIT

*Photo by Ernest Mills, Hampstead, London*

# PRINCIPAL RAINY #

## *A BIOGRAPHICAL STUDY*

BY

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"CHRIST AND THE JEWISH LAW" ETC.

*WITH PORTRAITS*

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## PREFACE

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THE greatest thing in any servant of Christ is character; and the Scottish Church leader of whom we are to speak, though he suffered from malicious misconstruction and at times laid himself open to misunderstanding, was essentially throughout a man of unselfish goodness. He was not merely disinterested but in all personal questions a high-minded gentleman; he was not only godly but deeply spiritual. Still, when we have said that, it remains no less true that the contribution which Dr. Rainy's life offered to the service of the kingdom of God took the form of ecclesiastical statesmanship. He did not make himself a leader in thought or in scholarship, nor yet in direct Christian work, so much as in Church business. Hence other Churchmen, and especially other Free Churchmen, have both the right and the duty

to study his career of leadership, and to estimate its lessons.

Much of the biographical element in what follows is drawn from recollections of conversations with my mother, or with my uncle, Mr. Brown of the Scotch church at Pau, to whose memory Dr. Rainy paid a beautiful tribute in the *United Free Church Record* last year. Some pages have appeared already in the *Primitive Methodist Quarterly Review*, and smaller fragments in *Young Scotland*.

ROBERT MACKINTOSH.

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# PRINCIPAL RAINY



## CHAPTER I.

### FAMILY ANTECEDENTS.

**D**R. RAINY'S direct ancestors in the paternal line were Aberdeenshire farmers, who lived in the neighbourhood of Turriff. The name was spelled indifferently Rainy or Rennie. On that side, therefore, Dr. Rainy was of Lowland extraction; very few parts of Aberdeenshire were ever Gaelic speaking, and these the most remote and mountainous. A descendant of Aberdeenshire men belongs to what is probably the toughest and most robust stock, mentally even more than physically, in the British Islands. But, like most of his countrymen, Dr. Rainy, even as a pure Scot, was of mingled strain—Lowland and Highland; and he always considered himself a Highlander. I have been

told of a dinner-party at Aberdeen, where the host, an old and much-loved minister, was moved, in connection with church parties and politics, to express the Saxon's usual criticism of his Celtic neighbours: "Aw, Dr. Rainy, I never knew a Highlander yet who hadn't a poalicy." Rainy twinkled all over as he replied, "You must remember, Dr. S., that I am a Highlander myself." His convenership of the Highland Committee of his Church—an additional burden, willingly assumed, and borne for years, when he was already an elderly man—was a tribute of racial or clan loyalty.

The family connection with the Highlands originated with Dr. Rainy's grandfather, George Rainy, who had become a licentiate of the Church of Scotland. In the eighteenth century promotion did not come rapidly, and it came, of course, by favour of patrons. George Rainy, who was glad to act as a tutor in a Highland family, was offered a presentation to a northern parish if he would qualify himself in the Gaelic language. In this way came about his settlement at Creich in Sutherlandshire, near the modern town or modern railway station of Bonar Bridge. Here George Rainy fulfilled the ministry of a life-



time. The nearest market-towns or places of local importance were Dornoch, with its cathedral church, then perhaps ruinous, and since then strangely mishandled; Tain, reached by Meikle Ferry or Bonar Ferry;<sup>1</sup> then Dingwall; then Inverness, already somewhat remote. Railways, even when their trains do not move with more rapidity than those of the Highland Company, bring the districts they serve into tolerably close contact with the populous centres of the land. But, in days when it was "a far cry to Loch Awe," it was a farther cry to Sutherlandshire. The parish of Creich is indeed upon the eastern seaboard. One might have thought the sea would link it up with other regions. But the low tides and sandbanks of the Dornoch Firth make sea travel or even sea carriage a matter of difficulty.

To settle in the Highlands at that remote time was a species of emigration. In the Highlands then, naturally, this emigrant from Aberdeenshire found not only his work but

<sup>1</sup> Bonar *Bridge* I suppose to have been a later improvement in communications. The nurse of my childhood, Emily Ramsay, told me once how "her grandfather and another old Highlander had danced before the Duke of Sutherland on the crown of Bonar Bridge the day it was opened."

his wife. Counting of cousinships that are invisible to English eyes is an interest in the Lowlands of Scotland, but it becomes a passion in the Highlands; and through Mrs. George Rainy her children were able to trace their connection with the Munros of Foulis, zealous friends of religion during many generations, one of them being known as the "Presbyterian mortar-piece."<sup>1</sup> One of their branches is represented to-day by Mr. Munro-Ferguson, M.P. Another link may be of more general interest. The Robertson family from which Mrs. George Rainy descended gave a Provost to Dingwall who became the maternal grandfather of William Ewart Gladstone. Dr. Rainy's kinship in blood with the great Liberal leader is a picturesque fact. It is harder to say whether there really existed that kinship in mind which the *Spectator* newspaper affirmed in its memorial article upon Rainy. If it did exist, Rainy's affinity was with the diplomatist in Mr. Gladstone—with the intellect which

<sup>1</sup> The religious history of the Scottish Highlands is a neglected field of study, hard to explore. Competent judges tell me that no better *mémoires pour servir* exist on the subject than the Rev. Wm. Taylor's *Sketch of the Religious History of the Northern Highlands*, prefixed to the *Memorials* of my father, Dr. Charles Calder Mackintosh.

could split a hair ten times finer than any other parliamentarian — rather than with the vehement master of the democracy.

Another member of the same Robertson family had been known through the whole district as “the Rose of Kiltearn.” Modern and south-country minds think it strange that this name should have been bestowed not upon a beautiful girl but upon a handsome clergyman. The Rev. Harry<sup>1</sup> Robertson, this celebrated “Rose,” was minister of Kiltearn parish ; he was also, I take it, name-father, directly or collaterally, of many a Harry in later generations of the kinship. Whether this admired person had caught the fire of evangelicalism, I do not know ; but Mr. George Rainy undoubtedly had done so. He is named in the diary of the Rev. James Calder of Croy—a man of much fervour, and, as it chanced, another ancestor of the present writer—as an interesting young minister, full of godliness and promise.

Like the sons and daughters of other manses, the children of the Creich manse went out into the world and prospered. The homes they found were chiefly in Glasgow. One son indeed, George, went to the West Indies,

<sup>1</sup> Not Henry, please ; Harry *per se*.

made a handsome competency, and, returning, bought the island of Raasay, lying off Skye to the eastward, and visited on his Highland tour by Samuel Johnson. Those of Dr. Robert Rainy's students who believed that he was descended from a line of Highland chieftains may have been misled by a vague report of this short-lived lairdship. For Raasay has long been in other hands. Though married more than once, George Rainy, the West Indian, left only a single child, also named George, who died a young man and unmarried. The eldest daughter of the Creich manse, Margaret, became Mrs. Parker of Blochairn House. In those days, Blochairn, where the ironworks now pour forth their smoke, was a pleasant retreat from Glasgow: Dr. Chalmers loved it, and highly esteemed its master and mistress. It is again a trait of a vanished time, though in a different region of things, that the younger members of the Rainy family—it should be said they were a good many years younger—called their sister not by her Christian name, but "Mrs. Parker." Mr. Charles Stuart Parker, formerly M.P. for Perthshire (the undivided constituency) and for Perth city, is among the descendants of this marriage. Another sister, Christian or



Christina, became wife of Hugh Tennent of Wellpark Brewery in Glasgow, generally known among his relatives as "the Justice." Still another sister, Mrs. Kennedy, is represented to-day by the Rev. Professor Harry A. A. Kennedy, D.Sc., of Toronto. The youngest sister, Anne, married Robert Brown, a Glasgow merchant. And the youngest child of all in the large family at Creich, as Dr. Harry Rainy, became a well-known and much-loved physician at Glasgow, while latterly during many years he was also the distinguished Professor of Medical Jurisprudence in Glasgow University.

When Mr. Disraeli gave his address as Lord Rector, and received the honorary degree of LL.D., Harry Rainy was also made LL.D. "Aw, poor old Rainy," said one medical student to another, near where I was seated in the great Kibble Conservatory, "Aw, poor old Rainy; give him a clap!" He was the father of Principal Robert Rainy.

He occurs among my earliest personal recollections. In childhood my home was at Dunoon, but in later boyhood, after my father's death, our home was really divided between Glasgow and Fairlie—Glasgow for school; but, Dr. Harry

Rainy having prescribed for us, on health grounds, long summer holidays, a kind roof at Fairlie sheltered us during these. From the very first, Fairlie—quieter then than now—had been full of charm to us young folk. Three brothers-in-law had built on adjacent plots three houses for summer retreat. Just above the small boats' landing pier stood the home of my grandparents, Mr. and Mrs. Brown. It was a somewhat old house and a *quondam* inn, though they had altered and enlarged it. At the time to which my memory goes back it was their only home, my grandfather having given up business and put down his Glasgow house.

Next came, in more retired and comfortable grounds, the Italian villa which Mr. Tennent had built for himself by the shores of the Firth of Clyde. I cannot remember Mr. Tennent, though I believe I ought to do so; but I can remember his handsome schooner yacht, the *St. Ursula*—the chief ornament then of the Fairlie roadstead. It was on a Mediterranean voyage in this yacht that Mr. Tennent and his nephew George Brown had the good fortune to identify the site of Lasea;<sup>1</sup> so they and the yacht may claim

<sup>1</sup> Acts xxvii. 8. See the later editions of James Smith's *Voyage and Shipwreck of St. Paul*.

their small niche in the temple of sacred learning. Beyond Mr. Tennent's house again—which in his day bore the name of “Creich Cottage”—came, still more sheltered and in still ampler grounds, Fairlie House. Here our cousin, Mrs. George Parker, with her lovely but sad face and sadder heart, recalled the memory of a brilliantly versatile husband and a large family of sons and daughters, who all, one by one, had faded away, and passed into the unknown land before her. None of these houses now retains its family connection except Mr. C. S. Parker's; so does time transplant and destroy. The whole life of my Fairlie kindred and their other pious friends, with (what we children thought) its almost too constant round of prayer-meetings, has passed away.

Dr. Harry Rainy and his family did not belong to this immediate circle, but we were well acquainted with the dwelling of his later years—2 Woodside Place, Glasgow—and were very deeply indebted to his skill and affectionate forethought for a family health which was precarious at the best. He afforded a beautiful picture of Christian old age. Several aged relatives, but especially he and my grandmother, taught us in our childhood to think of the last

period of life as an enviable and desirable season—a time of serene faith and of much loving gentleness. These pilgrims were “seeking a city out of sight,” but already their way led them through the Land of Beulah. My granduncle lived to see the revival under Moody in 1874, and made himself conspicuous among its supporters. With a touching humility, he declared that the young converts were far outstripping the older Christians in faith and devotion. He was moved to doubt the propriety of human creeds—ought not the Scriptures to suffice us? This very unpresbyterian theory—mooted not publicly, but in private conversation—was simply smiled aside by his distinguished son; yet it was at the least very characteristic of the atmosphere of the old man’s heart. In religious talks too with Principal John Caird, Harry Rainy was able to supply something of warmth and comfort which philosophical speculation could not bring. A warm heart and a childlike faith—these were the ruling features in the character of Robert Rainy’s father during his old age.<sup>1</sup>

<sup>1</sup> Mrs. Harry Rainy had died before my recollections begin. She was a Highland lady, a Miss Barbara Gordon of Invercarron in Ross-shire.



## CHAPTER II.

### EARLY YEARS.

ROBERT RAINY was born at 49 Montrose Street, Glasgow, upon New Year's Day 1826. He lived, therefore, to complete the round fourscore years. When the decision of the Church Commission was announced, that the Assembly Hall and College buildings should be handed back to the United Church upon January 1, 1907, it was naturally described by Dr. Rainy's many admirers as "a handsome birthday gift for the Principal"; but he did not live to receive any more birthday gifts or New Year's gifts upon earth, though his last days must have been cheered by the knowledge that substantial justice was to be done in this very important matter.

The home of his boyhood was at 10 Moore Place, West George Street, Glasgow. My grandparents, Mr. and Mrs. Brown, lived in a neighbouring terrace of the same street—

Brandon Place. From here the cousins, George Brown and Robert Rainy, attended the High School—or “Grammar School,” as it was then styled—in its old quarters pretty far to the east. The system of the time provided that pupils should be in the hands of one master throughout. He introduced them, with few exceptions, to the whole world of school knowledge, and travelled up with them from the elements to the finishing studies of the final year. The cousins’ lot assigned them to “Rowlatt’s class.” Their teacher was an able man, but savagely cruel in inflicting punishment; he left a mark upon the memory of his pupils which long years did not efface. To the same class belonged Alexander Maclaren, now and so long known to all lovers of good as Dr. Maclaren of Manchester. He has given the world some of his recollections of Dr. Rainy’s boyhood in the *Highland Witness* (February 1907).

Family tradition says that Robert Rainy was a daring and rather unlucky child. He would swing on the banisters, and once fell from far up, with a crash. The anxious father, divining what had happened, and rushing out from a meal to learn whether his child had been killed, was propitiated by a small voice: “Oh, papa,

forgive me, and I'll never do it again." Either on that or on some other occasion, the boy, being laid up on the sofa with a broken arm, rolled off the sofa and broke the other arm.

After school, college. The University of Glasgow was then—and for a generation longer—even farther east than the old High School. It stood off High Street, where the goods engines now drag about their clanking waggons, and where passenger trains emerge from a tunnel to make their call at the "College" station. This involved a pretty long walk before early morning classes, especially as the classes which now meet at eight met in those days at the still more trying hour of half-past seven. There was an old alliance between city and University in Glasgow, and it often happened that young men occupied in business during the day strove to get part at least of a University education, not by attending evening classes, but by attending these classes of the early morning. One fears that modern systems and standards are more and more unfavourable to such a plan. In the Spartan days of seventy years ago, it was the custom, at least in the Brandon Place home, to "harden" a delicate lad by making him attend a 7.30 class and return

home *before breakfast*. There was no lack of love ; nor lack of care, when it was recognised that care was necessary ; but the age followed tradition doggedly. Modern hygienics, which may seem at times to encroach too far, did not come into existence till they were sorely needed.

At college, the English style of Rainy's essays was much admired, and they were handed about from student to student. Later, his power of thought deepened, but his power of expression lagged behind or was less cultivated.

There is a touch of character in a reminiscence which I owe to my dear old nurse, Emily Ramsay. Before her lifelong faithful service to my mother, she had spent a few months as a beginner in the employment of Dr. Robert Rainy's parents. At that time, said she, she was "a careless young thing." (She must have been a mere slip of a girl.) The other son of the house, "Mr. George," sometimes lost patience with the young servant, and told her she deserved to get "the side of her head"—*Anglicè*, to have her ears boxed. But "Mr. Robert was always very nice." He would bring his ill-cleaned boots to the little maid, asking pleasantly, with the slight burr that went with



him through life, "Could you give these another *rhub*?"

Dr. Rainy himself has put on record (in the *Annals of the Disruption*) that his purpose to enter the ministry was not fixed till after the Disruption summer; so he probably was not one of the brilliant Glasgow students who vexed "Logic Bob"<sup>1</sup> by giving him one by one the same answer: "Your intended profession?"—"Ministry of the Free Church." In those days the bright, particular star was not Rainy, but G. C. M. Douglas, in later life the kindly Principal of Glasgow Free Church College. When it came to Douglas's turn, Buchanan could not contain his vexation. "I'm sure your father wouldn't approve of that, Mr. Douglas!" "Well, sir, I think my mother was always schismatical." Similarly it seems doubtful whether Rainy could have been with the students in St. Andrew's Church on Disruption day. A paper was passed along from some person in authority, telling the students who looked forward to the ministry, and who sympathised with the outgoing party, to follow at

<sup>1</sup> Professor Robert Buchanan, of the Chair of Logic and Rhetoric. Some account will be found of this eccentric man, but successful educator, in Mr. Skrine's *Life of Sir W. W. Hunter*.

the end of the procession. Anyhow, it was George Brown, I take it, not Robert Rainy, who pencilled the query, "Mayn't we stay a little while to see how they look?" and passed the paper back. It was an open message; everyone read it, smiled—even on that grave day! and passed it on. Presently it was returned with a big black NO upon it, which in due course was obeyed.

The work of the New College, the first theological seminary founded by the Free Church, began in hired rooms in George Street, Edinburgh. Some of its staff had University experience: Dr. Chalmers, the Principal, had been Professor of Divinity in Edinburgh University, and Dr. Welsh of Church History; but their leaving the Established Church involved resignation of University chairs. In fact, in those days tests were required of all University professors, not merely as now of those in the Faculty of Theology. The Free Church was not unnaturally provoked to the ambitious resolution of founding something more than a seminary—a fully equipped university college of its own. In pursuance of this plan, chairs of Moral Philosophy and Logic were established, with other lectureships. But when, in a few

years, University conditions were relaxed, and first Professor Macdougall, then Professor Campbell Fraser—who still survives in honoured old age—were called to the corresponding chairs within Edinburgh University, the wider scheme was allowed to drop. Chalmers was naturally the great centre of attraction, though William Cunningham, who became Professor of Church History on the death of Dr. Welsh, was a very strong personality. “He made us admire him, and think with him, and try to be like him;” so an old student of his, the Rev. W. W. Peyton, has said in my hearing. One has been tempted to hold that Cunningham, more than any other person, gave the Free Church its very rigid doctrinal traditions in early days. He had written that, if it were God’s will, he believed that his life would be mainly devoted to *controversy*.

Another of the students of the early group, Dr. Walter Smith, has spoken in my hearing of the extraordinary rush of Chalmers’ eloquence—“like no other eloquence he had ever heard.” Still another student of Chalmers’, but of an older pre-Disruption set, Dr. Laughton, capped this by saying, “But Dr. Walter Smith can never have heard Chalmers at his best”—the sort of thing

which the older men have been saying to the younger ever since history began. Chalmers was intensely practical. He cared with a single heart for that gospel which had found him during illness, after some years of a polished and kindly but perfunctory ministry. He concentrated his students' attention upon *the disease* and upon *the remedy*.



## CHAPTER III.

### HISTORICAL ANTECEDENTS : CHURCH AND STATE IN SCOTLAND.

IF we are to follow Dr. Rainy's career with profit, we must prepare ourselves for the task by considering as briefly as possible the earlier stages of the Church and State question in Scotland. That was the burning focus of Presbyterian history from the Reformation onwards, the crux of the Free Church of Scotland's position, and the central though not the only problem which exercised Dr. Rainy's peculiar gifts as an ecclesiastical politician.

Scotland drew up its own creeds in the days of the Reformation. The strong hand of Knox impelled it along the lines that have become so characteristic—Calvinism in doctrine, and Presbyterianism in polity, both being regarded as in the fullest sense God's revealed will. In the nature of things the Church of those days

was a State Church. The ruler was called upon to do his utmost in promoting obedience to the will of Heaven by the characteristic method of State action—by organised force. Liberty of the individual conscience to dissent, or to protect itself against coercion by a Christian State, was undreamed of. Under the influence of King James and of the self-seeking policy of the nobles, there was a movement towards Episcopacy and lay patronage; but it did not cut very deep; and the lofty, if intolerant, conception of Church and State held its ground. The difficulties of Presbyterianism grew more serious after the Union of the Crowns. In Scotland the earlier National Covenant was now repeated in the form of the Solemn League and Covenant—men pledging themselves, pledging the nation, pledging posterity, to eternal loyalty towards the threefold ideal—Calvinism, Presbyterianism, intolerance.

In England too, within the national Church, the current of the Puritan movement ran strong. Co-operation was set up between Scotland and England. The Covenants were presented for English acceptance, and, with a somewhat wry mouth, were swallowed. And the older Scottish creeds were superseded by the Westminster Confession of

Faith, drawn up at the instance of the Long Parliament by a number of English divines, with a few Scottish Commissioners added to them. That document, with trivial modifications, remains the creed of all the Presbyterian Churches to-day, and consequently it fell to be interpreted by lawyers in the recent sensational Church lawsuit. The change of creed made no difference in the idea of Church and State—unless perhaps English Puritan influence rather stiffened the assertion of the civil magistrate's rights and duties in matters of religion. Over against these, however, there stood the strong assertion that Christ's Church is a spiritual body, which brooks no interference from without.

I need not disguise for a moment that this teaching seems to me self-contradictory. Who is to determine religious truth and duty? One paragraph in the Confession answers: The Church is to determine it; woe to any man who interferes with her Heaven-appointed task! But another paragraph declares: The State, the civil ruler, is to determine it; woe to him if he is slack in using the power which God has entrusted to him! How could this contradiction be masked to the keen minds who drew up the Confession?

I reply: By the intolerant habit of thought. They did not allow themselves to think it possible that different views of truth or duty could be taken by serious and enlightened Christian men. *Of course* both Church and State are to promote truth—the identical truth—my view of truth. So, when Independency had gained the upper hand in the southern kingdom, and when Scotland had drifted away again from co-operation with England, the Scots made Charles II sign the Solemn League and Covenant.

There you had, in theory, a beautiful identity in belief, a beautiful co-operation in practice, between king and Church. Every power in the State was now pledged to the Church's programme. You could ignore for the moment that the two authorities might diverge—those two authorities which you had authorised separately to settle the same problem. But the tragedy of generations of Scottish Church history was latent in the blunder. Once intolerance is given up, and once men realise that differing views of truth are practically likely to exist side by side, the bottom goes out of the Church and State doctrine of the Westminster Confession—that is to say, the old positive reasons in favour of



Church Establishment vanish. If the State could select the truest confession of faith, it would be equally competent to rule points of doctrine. Or, if the State must not trench upon religious ground, what right has it to back one form of belief as against others? Conceivably, a State Church may be defended upon new principles, but no longer upon those of early Protestantism. Still, the State Church was in being, and lived on, and carried with it the prestige of a historic institution. As a result, the ideals of Scottish Church life never fully adjusted themselves to the new principle of toleration, which came in as an inevitable fact, and gradually gained acceptance as the most desirable of ideals.

The new state of facts dates from that turning-point in history—subsequent to the cruel Episcopal dragonades of the covenanted Charles II and of James II—the Revolution settlement under William III, by which the Presbyterian Established Church of Scotland was liberated and reinstated once more. But it was not now made dominant in the old fashion; William would have no Presbyterian persecutions. Nor was it any longer the expression of the nation's or ruler's devotion to the revealed will

of God. How could it be? The nation had given up the earlier logical programme of "covenanted uniformity" between England and Scotland. And William faced both ways. An Anglican, and earthly head of the Church, south of the Tweed, he was a Presbyterian north of the border.

So it has been with all his successors. How can you interpret either the sovereign's Anglicanism or his Presbyterianism as a tribute to the force of truth? If his position does not express indifference, wise or unwise, towards the details of Church systems, then it must express pure political expediency. Those true-blue covenanting Scots, the Cameronians, or Reformed Presbyterians, as they came to call themselves, would have nothing to do with the Revolution Settlement. They stood for the heroic ideals of the past, if also for the dark stain of intolerance. They called all men back to the Covenants. Unless we build up our national life on the lines of these obsolete documents, all Scotsmen, and perhaps all Englishmen too, are liars in the sight of God, with His curse resting heavy upon us. Our fathers have committed us irretrievably.—In the course of time, most of the Cameronians have bowed to the inevitable, and are now incorporated in the United Free Church

of Scotland. But there are survivals of the old enthusiasms, in Scotland and in the north-east of Ireland, who in theory still represent the original impossible ideals.

After William's death came the union of the Parliaments; and a very cruel stroke followed shortly, when lay patronage was reimposed in Scotland. Some have held—Lord Macaulay, *e.g.*—that this was a direct and formal breach of the provisions of the Treaty of Union. There is a measure of doubt as to the technical point. But unquestionably, in spirit and essence, the new Act broke the Treaty; and it was thrust upon indignant Scotland by a really disloyal and Jacobite administration. The General Assembly protested year by year for more than half a century, then dropped the protest, as “moderation” grew dominant in Church and State. There had been provocation. An Episcopal clergyman of Edinburgh had been badly treated by the Town Council and the Kirk. But he was disproportionately avenged! English and Tory bad faith started the process of sectarian splits and schisms which makes Scotland so ludicrous in English eyes. And law, mainly of English origin, has found means to penalise the counter-process of reunion.

The Patronage Act was not very long in beginning to produce wholesale forms of mischief. It was passed in 1712, and in 1733 the secession of the Erskines and their friends took place. These fathers of modern Scottish dissent were country gentlemen belonging to the family of the Earl of Mar, and in religion they were old-fashioned men, falling back with a sort of relief from the Revolution Settlement upon the older platform of the Covenants. Yet they did not join the Church of the Covenanters. Perhaps they would have been too cruelly disinfected; perhaps their acceptance of the Covenants was not quite so thoroughgoing in its literalism. Slowly the Secession grew. Individual ministers joined it; little chapels got built in back streets where the ministrations in the parish church were peculiarly unacceptable. Fourteen years from its start the Secession split. In those days every "burgess" had to take an oath of loyalty to the Government and the Protestant religion of the land. Did that mean acquiescence in the corruptions of the Establishment they had left? It was a plausible scruple: some answered yes, some no; and so they separated, to become (in popular parlance) Burghers and Anti-Burghers. Then a cross



division came in. No church that is organised apart from the State seems long to covet State connection; and a *new light* dawned on the Seceders, Burghers and Anti-Burghers alike. Partly perhaps they toned down their Calvinism; mainly they embraced the democratic theory of voluntaryism and religious equality.

The two New Light Churches, representing a large majority of Seceders, came together over the grave of their old scruples about the oath in the United Secession Church. The more conservative wings also achieved a union as the *Original* Secession Church; some of them trickled back into the Establishment during the period of evangelical ascendancy, only to leave it again (all, or almost all) when the Disruption took place in 1843. A larger instalment joined the Free Church in 1852. There is still a remnant—Mr. J. M. Barrie's *Auld Lichts*—who are represented on the field of letters by Mr. D. Hay Fleming, a learned scholar in the intricacies of Scottish Church history. To complete this imperfect sketch, we must add that in 1752, and under very immoderate action on the part of the so-called Moderates, the "Relief" Church<sup>1</sup> was constituted by a new secession from the

<sup>1</sup> A church formed to seek "relief" from lay patronage.

Established Church of Scotland. "New light" was accepted in it also, almost unanimously.<sup>1</sup>

Towards the beginning of the nineteenth century the Evangelical Revival gained the upper hand in the Established Church of Scotland, and the long ascendancy of the Moderates gave place to an evangelical ascendancy. The now dominant party desired to find security against the abuses of lay patronage, but they hesitated to attack it outright; indeed, their greatest leader, Chalmers, was enough of a Tory to wish to see it preserved. So they passed the Veto Act. The patron might present whom he pleased; but if the qualified representatives of the people *vetoed* the man appointed, the patron must find another. The Church, indeed, was willing, if the patron insisted, that manse and stipend should go to his man; but they would in that case provide other means of support for the man who was acceptable to the congregation. They were a spiritually independent Church, and so they claimed the right of controlling spiritual matters, such as the cure of souls, whatever laws Parliament might have made, or might yet make, regarding church property and incomes.

<sup>1</sup> But see below, p. 91, on the Campbeltown case.

For a time, it seems, this curious compromise worked with little friction. I should have thought it rather a provocative arrangement. I should have thought the extremer men, who wished to secure an Act of Parliament abolishing lay patronage, had formed a truer estimate of the necessities or expediencies of an Established Church. Anyhow, when once a patron had declined to accept the situation created by the Veto Act, things moved rapidly towards a crash. Courts of law, by majorities, with the most influential judges voting in minorities, declared the Church's conduct in passing the Veto Act, in other parallel cases, and in administrative procedure arising out of these, to be *ultra vires*, and as such null and void. They did not call on the Church to pay damages. They did not bid the Church retrace its steps. They maintained that actions, however spiritual, on the part of an Established Church, which, in the judgment of lawyers, operated to the disadvantage of property rights, had no existence at all in the eyes of the law. In the course of this quarrel the General Assembly deposed several ministers belonging to the Presbytery of Strathbogie, who had preferred obeying the law-courts to obeying the Church. Lawyers treated this

deposition as non-existent; and, after the Disruption, the Established Church Assembly received back the deposed men as if nothing had happened.

It was a painful, an intolerable controversy. It would be hard to say that either party was perfectly blameless; but we may safely say that every principle of the Evangelicals was outraged by the lawyers. Parliament, appealed to by the great majority of Scottish representatives, refused even to inquire. There was no longer any possibility of pretending that the Established Church of Scotland was spiritually independent—though now that lay patronage (the occasion, but hardly the cause, of the mischief) has been abolished, a claim to wide freedom is being cautiously renewed. In 1843, however, those who were in earnest about the spiritual freedom of the Church had no choice except to renounce the State alliance. They had built new churches, built manses, organised missions at home and abroad; they had to walk out and organise afresh, leaving every stick and stone, old property and new alike, at Calcutta not less than at Edinburgh, in the hands of the party who cared little for aggressive work. Can we wonder if they were embittered?



Or can we wonder if Scotland became radical?

Unhappily there was another element in the past, and one that was pregnant with trouble. During the evangelical ascendancy Chalmers and his friends appealed to the Government for financial help in church extension. The Seceders and the Relief, influenced by the New Light, and fearing lest they should be crushed out by subsidised competition, attacked the policy, attacked the very idea of an Established Church; nor were vehement rejoinders lacking. Chalmers himself put the matter mainly upon finance. He was not satisfied, as a statesman, that voluntary gifts could ever overtake the spiritual destitution of the land. But the theory of an Established Church came to be adorned with every grace that ingenuity could invent. "Kings shall be thy nursing fathers and their queens thy nursing mothers"—that text was very hard worked. If Chalmers had had the magnanimity to propose co-operation with his poorer Dissenting brethren in the task of church extension; if he had deferred to their scruples! Or if even they (which would have been harder still) had remembered how great a lover of the gospel, how great a servant of it, Chalmers was,

and had tempered their antagonism! But it was not to be. Cruel suspicions were aroused, and cruel words spoken upon both sides, with ominous consequences to the future of Scottish evangelicalism.

## CHAPTER IV.

### PASTORATES—*NEWMAN* ARTICLE—FIRST UNION CONTROVERSY.

**D**R. RAINY'S first pastorate was at Huntly, in Aberdeenshire. Huntly belonged to the Presbytery of Strathbogie, so pitifully conspicuous during the Ten Years' Conflict (1833-43), when the parish was a "Moderate" stronghold. In the clash of strife between law courts and Church courts, many of the leading evangelical ministers were delegated to preach in the district. The hostile party thereupon applied to the Court of Session for interdicts, and interdict after interdict was issued, forbidding each intruder, by name, to preach the gospel at all within that region. Of course they disobeyed; indeed, they preserved their interdicts as interesting and precious family relics. They were thus guilty of open contumacy towards the State law; but even in that reckless hour the law courts shrank from enforcing the

penalty of imprisonment. My mother has told me how engrossed the people were in the strange contents of the Bible. Like children, they poured out to each new preacher the knowledge others had been priming them with. "Ye ken, sir, *we hae sauls*." "Ye ken, sir, Daniel had an interdic', an' he brak' it," etc. etc.

I have heard something similar, too, from the late Rev. John Matheson, of the Presbyterian Church of England, at Hampstead. He was a North Country man, and had Strathbogie experiences. He told me how, after preaching an ordinary evangelical sermon, he met a little old woman—"just a 'wifie'"—in streaming tears. "Far [Where] got ye a' that, laddie?" "I got it *here*,"—tapping his Bible. "We had the bookie too, but we never got *that* in it." The great Pauline message of reconciliation, with its power to shatter and then to create anew, was a thing as unknown in Moderate Strathbogie as in the heart of Africa. Not dull and threadbare, as those may think it in whom familiarity has bred contempt, it came in the very tones of God's voice, to be greeted with tears of terror, with tears of rapture.

But the conditions were very different at Mr. Rainy's settlement in 1851. The widowed



Duchess of Gordon—the last Duchess, till Disraeli revived the title in favour of the Duke of Richmond—was a strong supporter of the Free Church, and had her home at Huntly Lodge. Evangelical religion was no longer miraculously new; it was now the decorous tradition of the great house; and the weaker side of average modern evangelicalism—its factiousness, its censoriousness—was not unknown in the place. Here, however, Dr. Rainy spent some of the best and happiest years of his life. An earnest Christian minister's first term of work for his Master—who can fully say what that means? What Mr. Rainy found in it we may gather from his farewell discourses; they are reprinted in the *Expository Times* for March 1907.

His second pastorate brought Dr. Rainy to Edinburgh, henceforth his home. The handsome block of buildings, which included a Hall for the General Assembly of the Church, along with permanent accommodation for the College, contained also the Free High Church. The stately Dr. Robert Gordon, minister of the principal congregation of the three then accommodated in St. Giles', had joined the Free Church at the Disruption, with many of his people.

Mr. Rainy now became Dr. Gordon's successor (1854).

To this period belonged Dr. Rainy's marriage. Among the members of the Free High Church was Mr. Adam Rolland, of Gask, whose daughter in 1857 became the wife of the young minister. They were long spared to each other's happiness. The value and impressiveness of Dr. Rainy's Edinburgh ministry have been attested in the strongest terms by a very competent judge, Dr. Taylor Innes. But pastoral duty was not to be Dr. Rainy's life-work. Now that he was in Edinburgh, he was naturally drawn towards his destined sphere. He became a counsellor and helper of the foremost men, and from 1862 was in a measure freer for this, as he then passed (across the quadrangle, one might say) from the Free High Church to the College, as Professor of Church History in succession to William Cunningham. The latter's place as Principal, in succession to Chalmers, was now allotted to Dr. R. S. Candlish; but upon Candlish's death, in 1873, Dr. Rainy was called to the higher honour (1874), and he retained it when he gave up his professorial class-work (1901). So he died as Principal of the New College.

An article by Dr. Rainy in the *British and*

*Foreign Evangelical Review*, upon Newman's *Apologia*, belongs to this period, and throws light, though indirectly, upon the qualities of his leadership. Anyone who knows the author in his later mood must receive the impression—This is a different man! He is surer of his ground, and more at ease. He is almost contemptuous of Newman's semi-sceptical fear of finding himself a sceptic. One may perhaps construe the position in the light of biographical facts. Dr. Rainy had grown up in the old Evangelical and Free Church atmosphere. It had noble qualities, but it lagged two centuries behind the times in matters of intellect, and encouraged an absurdly confident dogmatism. Abruptly, therefore, after his mind had set, Dr. Rainy found it necessary to adjust himself to a new world. Everyone who has started from the old thought of infallibility, and has forced himself to face modern views, knows something of the transition, but few to anything like this degree. Ground that had seemed solid proved to be a melting and splitting ice-floe. Do not let me be misunderstood. I do not imply or believe that Dr. Rainy became in any sense a doubter. Some of the bravest and

noblest souls have had to fight every inch of the way against intellectual doubt; but so far as one could see, Dr. Rainy remained personally an old-fashioned Christian, at home in the old interpretation of the old or timeless truths of the gospel. It was the minds of other men that split and warped: he must build as a statesman and leader, with these (to him at least) rotten bricks. Henceforth he was a stranger and pilgrim on earth, not only in the sense of seeking a country above, but in the sense of having survived his intellectual contemporaries. Why could not men let alone the old truths and live the old life? They could not! He acquiesced; but he handled the thought of the age henceforward with singular detachment and aloofness.

This was not, of course, the only thing that gave colour to his life-work. There was something of temperament in it. There was circumstance too; he found himself placed in a Church with well-marked right and left wings, a Church with a busy, eager, constitutional development; other leaders died, and he was left to manipulate the Church's policy almost uncounselled. More: there was character in his aloofness; there was self-suppression. My



mother has told me how, after a well-remembered early speech, Mr. Rainy said to his father, "Oh, I have done wrong; I fear that I have needlessly angered Dr. ——" In one of the very few private talks I ever had with the late Dr. A. B. Bruce, Dr. Rainy's name came up. Professor Bruce said, "Rainy in debate always reminds me of a man fighting with one of his arms tied. He never lets himself go. If he would take off that bandage, he might do anything." But he would not; for the Master's sake, he conceived it was his duty to hold himself tightly in check. In one of the most amusing speeches he ever made—for on rare occasions he could allow himself to amuse the public in a good cause—he compared another noble servant of the Church to Carlyle's favourite Ram Dass, who had "fire in his inside." And he himself was not a Highlander for nothing; he, too, had fire within him; but it rarely was allowed to betray its presence, unless in the shape of *work*.

When Dr. Rainy came into Church politics in the sixties, the Union negotiations were making their start. The negotiating bodies included practically the whole of the non-Established Presbyterian Churches of Scotland.

Taking them in the order of size, we have the Free Church, which had broken off from the State Church in 1843; the United Presbyterian Church, formed by a union between the United Secession Church and the Relief in 1847; and the Reformed Presbyterians, or Cameronians, who had thrown over some of their irreconcilables a few years previously, and whose members now voted at parliamentary elections and in other ways acknowledged an uncovenanted Queen. There was no difficulty about these last. They were not voluntaries; they were more conservative than the conservative Free Church itself; and when the larger scheme fell through for the time, the Reformed Presbyterians<sup>1</sup> and the Free Church united on equal terms. But negotiations with the United Presbyterians led to endless heart-burnings. At first all promised fair, but a considerable and resolute anti-Union party established itself in the Free Church. To some small extent doctrinal questions were at issue. The United Presbyterians seemed to these austere Calvinists to preach a dangerously free gospel; Dr. Rainy is early found pleading for evangelicism, the gospel of God's free grace, as the

<sup>1</sup> With a very few exceptions.

true palladium of Scottish faith. But for the most part the differences turned upon Church and State, or, as it was said, upon "national religion." The United Presbyterians made many statements calculated to reassure the anxious. On such points as the Sabbath—which was then much discussed—or as education, they came fully into line with Free Church opinion. But they did not believe in an Established Church, and the Voluntary controversy had stirred up a fierce strife, which now blazed forth anew.

It is not easy to stand still in mental things. The Free Church anti-Unionists, who would not take one step towards Voluntaryism, seem to an onlooker to have taken many steps backwards towards Erastianism. The mere existence of an Established Church, however unfree, began to have a value for them which they assuredly never thought of in 1843 when they forsook it. A Disruption minister, a careful, lawyerly old gentleman, Dr. Laughton, once said to me, "We let the Established Church alone at first because we despised it too much." When I replied, "You surely made a great mistake in underestimating it," he answered, "Certainly we did ;

but that was how we felt." Anti-Union opinion had moved a long way from that point. But opinions have to be dealt with as they are, not as we may think that, in logic or in right reason, they ought to be. The anti-Union section already threatened to claim the whole property of the Church ; and the majority, while professing to regard such threats as idle words, admitted that it was better to postpone union for the time rather than split the Free Church itself. Still, a sort of compromise was secured by the passing of a Mutual Eligibility Act, which permitted individual Free Church ministers to be called to United Presbyterian pastorates, individual United Presbyterians to Free Church pastorates. This, in Scottish opinion, asserted the principle that the two Churches were fundamentally at one. And yet it left a loophole. An anti-Unionist might still persuade himself that all was safe, since no United Presbyterian could steal into his Church except as a marked man, and except by signing the carefully-guarded formula of Free Church orthodoxy.

Even this final compromise had all but caused a separation within the ranks of the Free Church. The Freemasons' Hall had been engaged as the rallying-point of a new Disruption, and a small



but zealous audience of sympathisers awaited the seceders through a long day. At last the news arrived that terms of peace had been agreed on,<sup>1</sup> and the friends of the old way went home, still members of what they more than half regarded as a morally tainted fellowship. Thus the storm blew over for a generation. There was great joy when the front benches in the Assembly Hall came to an agreement. According to my recollection of a letter by a clever woman, not a Presbyterian, my aunt, the late Mrs. M'Queen Mackintosh, there was "a confused scene of Candlish, Begg, and their friends," all intermixed in hand-shakings and mutual congratulations. Only two men sat aloof, Unionist leaders, Robert Buchanan<sup>2</sup> and Robert Rainy, "a sadder smile on the face of the older man, and a more mocking smile on the face of the younger." I do not guarantee this clever woman's impressionist picture. It was not Dr. Rainy's way to reveal his inner emotions like a printed page; indeed, he often wore a sort of set

<sup>1</sup> My uncle, Mr. Brown, has told me of a rumour that the late William Kidston of Ferniegair Villa—he of all men!—had buttoned up his pockets, and compelled Dr. Begg to turn his thoughts towards conciliation.

<sup>2</sup> Of the Free College Church, Glasgow. Not, of course, to be confused with the Professor of Logic, p. 15.

smile, which was a complete mask to his real thoughts and feelings. But statesmanship might very well feel that trouble was rather postponed than escaped that day.

## CHAPTER V.

### THE DISESTABLISHMENT POLICY.

IN the Unionist policy Dr. Rainy had been a valued and trusted lieutenant; in the Disestablishment policy, which presently was evolved, he was the leading spirit. He had first of all to induce his Church to accept Disestablishment as a settlement of the Church-and-State problem. Such a solution seemed possible politically, and acceptable enough ecclesiastically, whether ideally good or not. In their opposition to this move, the anti-Union party were strengthened by the accession of that hereditary Whig, the Rev. Sir Henry Wellwood Moncreiff; but Rainy induced the Assembly year by year to endorse his solution, and the majorities steadily grew. Later on, opposition arose from a very different quarter. The business of a Disestablishment agitation is unpleasant at the best to brotherly feelings, and a time comes when some men think they see that, whatever

the reasons in its support, it ought no longer to be pressed. Dr. A. B. Bruce made himself the mouthpiece of such feelings, and, at least on one occasion, Robertson Smith—after he had been removed from his professorship, but before he left Scotland<sup>1</sup>—supported Bruce on the rather paradoxical ground that Rainy declined to advance to complete theoretic Voluntaryism. But even this new attack caused little weakening of the forces in favour of Disestablishment. A second step was taken by Rainy when, in company with Dr. Cairns of the United Presbyterian Church, he addressed public meetings in favour of Disestablishment in many different towns. There seemed no great immediate success; but by degrees the Liberal party in Scotland accepted Disestablishment as a “plank” in the political platform. There can be little doubt that, had the Home Rule issue not arisen, Scottish disestablishment would have been arrived at many years ago.

I take it the calculation with Dr. Rainy in regard to Disestablishment was this: We have been hindered in our efforts towards the Divine work of Christian union by a merely speculative barrier, the theory of a free and pure Established

<sup>1</sup> See below, p. 64.



Church. If we can secure disestablishment of the actual, not very pure, not very free, Established Church of Scotland—if establishment of any sort ceases to be a fact—then we may hope that the shadow of a dream will no longer separate evangelical Christian from evangelical Christian. Since the Revolution Settlement, establishment has been but a convenience at the best, and at the worst a root of bitterness. Church and State questions have proved the great source of disunion. And when, under the evangelical ascendancy, our fathers did their best to build up a worthy Established Church, the end was shipwreck. It is high time for practical men to recognise the meaning of history and of the guiding hand of God revealed in it: it is high time to seek the real spiritual good of Scotland. And that means union through disestablishment; for union upon other terms is a mirage. Such was the calculation. Or, to express this differently: the historic claim of the Free Church was to have the existing Establishment turned out and to be put in its place as the legitimate heir of the old Scottish national religion. The new policy said—We adhere to the first half of our programme. We still ask you to turn the Established Church out of the

enjoyment of State property. But, for the greater good of Christ's cause in Scotland (as we believe), we waive the second part of the programme. We no longer ask you to put us in. The policy, which is often criticised as one of greed and aggression, appeared to Scottish Free Churchmen to represent genuine disinterestedness, if it might be too much to claim that it involved any substantial renunciation. It was an acceptance of facts. It was the surrender of a castle in the clouds in favour of a cottage upon God's earth.

Let me give some evidence that Dr. Rainy's Disestablishment policy was such as I have described. I remember his contribution to a course of popular lectures at Edinburgh, upon Church and State. Dr. Rainy's subject included Constantine's action, and when he had expounded it, he told us that he did not feel entitled to blame it, it was so natural in the circumstances. That may have been a good example of a historian's caution, but it was not the Liberationist attitude. Again, I have heard Dr. Rainy, when introducing to the General Assembly his annual motion in favour of Disestablishment, pressed by Dr. Lindsay to claim it explicitly in the name of "religious equality."

But he refused to accept the words. He offered, indeed, to say "religious equity," but he attached importance to the omission of one little syllable. He claimed, in effect, that the principles of his Church permitted, and that practical conditions demanded, acquiescence in disestablishment; but he was disinclined to put the policy on the ground of a doctrinaire theory. Freedom in the Church seemed hopeless under any modern Establishment, therefore a modern Establishment must be held bad in principle. Again, he—and the Free Church itself, from an early date<sup>1</sup>—formally recognised the right of toleration; and, as we have seen, he was ready to welcome growing measures of "religious equity." But, beyond this, it was less principle than expediency that he appealed to. He would not stretch the doctrine of individual rights so far as to affirm that every Establishment of religion was an oppression of the minority. He declined to swear by "religious equality." Once

<sup>1</sup> In the bad lawyerly fashion of asserting that the Westminster Confession, when "fairly interpreted," did not teach persecution!—The "liberty of conscience," which the Confession is careful to assert, belongs to quite a different class of conceptions. It is a Puritan protest, urging that no individual Christian conscience ought to be called on to submit to human inventions in Christ's Church, such as Scripture does not plainly warrant.

more we may repeat this in different words. The acceptance of liberty of conscience destroys the older positive arguments in favour of an Established Church. And the insistence upon spiritual independence renders a satisfactory Establishment practically hopeless in modern times. But neither position coincides with the pure voluntary doctrine, Every Established Church is unjust.

Now such a Disestablishment campaign appeals for support, not to a general theory, but to the needs of a special situation. England, Conformist and Nonconformist, is invited to stand aside, or to vote in accordance with the decision of the Scottish people. Home Rulers may be expected to respond to this appeal; and those who are opposed to Home Rule ought to recognise that it can only be obviated if effect is given to the opinion of the separate nationalities on specially important local questions. Multitudes voted for Irish Disestablishment upon these very lines. Of course the Church defender may feel that an outwork of his position is being forced, if any Establishment, even a Presbyterian, is stripped of privileges; and I am not very sanguine that Englishmen will yield to the local wishes of Wales or Scotland,



as once to those of Ireland. They must have it as they choose. Their refusal may protract the life of Establishments in the smaller countries; it will inevitably hasten the day of reckoning for the mighty Church of England. But, any way, such were the lines of Disestablishment policy which Dr. Rainy marked out for his Church and for his land—opportunist, not theoretical; local, not general; looking to expediency, not abstract justice, though to a very high degree of Christian expediency. The practical statesman in our country always leans to such calculations. And, so far as my opinion is worth anything, Dr. Rainy was wise in these tactics and essentially loyal in them to his Free Church inheritance. He made central what was the central question, namely, What would be for the religious good of Scotland? Moreover, if he was opportunist he was not vacillating. Having arrived at a policy, he showed great tenacity in maintaining it, in holding his majority together, and in keeping them in good heart.

Yet opportunism, even of the highest type, has its weakness. If it creates less friction it generates less enthusiasm. Great reforms usually have swept on to victory as things demanded

by justice. Dr. Rainy's policy—though in this case I believe it was undoubtedly wise and right—laid him open to attack. Here is a man who will not disclaim Established Church theory, and yet he seeks to end, not mend, the Establishment actually in existence! Why did he not plead religious equality? I do not think it was only tactical caution that restrained Dr. Rainy; I think it was honest distrust of theoretic voluntarism. I have said that as a historian he shrank from it; and I believe he shrank from it as a Christian. The catchword of the present moment, that secular education is the only "logical" policy, has never appealed to the majority of Scottish Free Churchmen; they do not accept it for Scotland, and they do not mean to accept it. If Englishmen insist upon having it for England, they may on opportunist grounds, recognising that there are very peculiar difficulties to face there, help the English voter to have his way. But they are not prepared to make it a matter of principle that we should sweep every trace of the recognition of Jesus Christ out of our public life. That is "logical," just as secular education is "logical"; but they distrust the premises from which such logic starts. I had a curious verifica-

tion of this when I was Congregationalist pastor at Dumfries. A small club of ministers to which I belonged instructed me to discuss the question, Can you entirely separate the State from religion? I answered "No." My fellow-members were partly United Presbyterians, partly Free Churchmen. The United Presbyterians to a man opposed me. The Free Churchmen to a man supported me; they did not state the matter in my way, nor I in theirs, but we got to the same result.<sup>1</sup>

If, then, Dr. Rainy's career leaves any lesson for us, it leaves this: that one may be resolutely in favour of disestablishment even as a final policy, in order to safeguard church spiritualities, while refusing to put it on the score of abstract justice as between individual citizens. The other position may be logical; yes, but are we sure that the starting-point is right? Can you, ought you, dare you tear every vestige of religious belief out of the corporate life? Let us make very certain of our ground before we commit the Christianity of the Free Churches to the secularist alliance. It is probable that

<sup>1</sup> The United Presbyterian element in the United Free Church is much nearer the usual English Nonconformist position. Yet even that element have supported "use and wont" religious instruction under the School Boards.

the voters of England may give a cold welcome to any such policy. That is a very important opportunist consideration ; it is awkward to be misunderstood by a whole people. But there are graver considerations still. What if, after all, with the best motives, we should be, in this matter, fighting against God ?



## CHAPTER VI.

### THE ROBERTSON SMITH CASE—DOCTRINAL CHANGE.

BEFORE Disestablishment was hustled aside by Home Rule, Dr. Rainy was called to deal with an even more perplexed situation, in the case of Robertson Smith. If the Providence of God intended that evangelical opinion should be rapidly educated in the direction of Old Testament criticism, no more telling instrument could be conceived for such a purpose than the brilliant Aberdeen professor. Priding himself, at least at that time, upon his orthodox Calvinism, and strongly attached to evangelicalism, Smith had a mind in scholarship as sharp as a razor; and he blurted out his critical results like an *enfant terrible*, in successive contributions to the *Encyclopædia Britannica*. Perhaps this is hardly a respectful way to describe the career of a first-rate man? Possibly not; but I am very sure it is the way it presented itself to

Rainy. Rainy was the constitutional statesman, opportunist in tactics to his fingertips; Smith was the scholar, who did not see that there was anything to care for in the universe beyond truth and evidence. How could God's truth harm God's Church?

There is a certain excess or trace of cant in the modern habit of denouncing all "heresy hunts"; but assuredly no process of legal trial could be less edifying to watch than the case against Smith. In the first instance, Dr. Rainy tried to damp down the agitation by a report as chairman of the College Committee of his Church, in which he rebuked the "dangerous and unsettling tendency" of Smith's views, while acquitting him of actual heterodoxy. This is a line of policy which Dr. Rainy followed again and again, when A. B. Bruce, or Dr. Dods, or Dr. G. A. Smith was the object of attack. The policy was natural to Rainy. His own beliefs were on the old lines, and his instinctive caution revolted from every needless frankness. Yet it was a very unhappy policy. First-rate men, who had their own high gifts and strong convictions of duty, could not consent to be silenced for the sake of ecclesiastical convenience. In the case of Smith, Rainy's mediation proved entirely unsuccessful. Smith's

enemies wanted something more than words; and Smith himself, who was daily being denounced as a heretic, demanded a "libel"—*i.e.* a formal trial, at which his enemies would have the task of proving that his critical views were forbidden by the Confession of Faith.

As a matter of fact, of course, they were not. Conceivably the only reason for this may have been that the framers of the Confession never expected to be confronted with such teaching. Still, the fact remains. Morally, if his prosecutors wished to get rid of Smith by a regular process, they were under obligation to add a new paragraph to their creed, affirming that Moses did write Deuteronomy, or whatever it was that they could not bear to have denied. By evading this obligation—which would have shown all the world the meaning of their policy—the prosecution put themselves, as I believe, in the wrong—morally in the wrong—apart from all purely intellectual issues.

At four annual sittings the General Assembly dealt with Smith's case. It was a vast mob of 600 men, changing its composition from year to year, hardly affecting to exhibit the dignity of judges or even the responsibility of jurymen. In 1878 the Assembly condemned Smith by a

majority of some twenty-five votes. The special topic was his view regarding Deuteronomy; but the mover of the successful resolution, Sir Henry Moncreiff, put a tag to his motion, to the effect that Smith's teaching on inspiration was most unsatisfactory. The significance was this—there was nothing in the Confession about authorship, but something, though indirect, about inspiration; and the line taken was that Smith, believing what he did about Deuteronomy, could not hold it to be inspired. Does he disclaim the inference? Does he tell us he believes firmly in inspiration? No matter; his statements are unsatisfactory. Dr. Rainy, who led on the other side, protested, with a vehemence very unusual to him, against this extraordinary form of motion.<sup>1</sup> It had another bad feature: Smith's speech was over before the reference to inspiration was sprung in irregular fashion on the Assembly; a point of which Smith made full use when next he had an opportunity to defend himself on another count

<sup>1</sup> In private, he said it was like a hunch-backed child, whose father would not listen to a word of criticism, just because he knew his darling's defects. The meaning, of course, is that Sir Henry Moncreiff, ordinarily a sound lawyer and honest man, was savagely sensitive regarding his successful but misshapen resolution.



of the indictment. Still, the motion had been carried. A year later, probably under strong pressure, Rainy once more led upon Smith's side. What was to be done with the discreditable but constitutionally valid resolution passed already on the motion of Moncreiff, if Smith were now acquitted? Rainy was hopeful, but vague; a way would be found to respect it without awkward consequences, but he did not say what way. Again Rainy found himself beaten, this time by a majority of two, which on a scrutiny was reduced to one.

Everyone felt bewildered; the enemies of the Free Church announced with glee that it was "hopelessly divided"—and no wonder. Some of its leaders<sup>1</sup> made a curious irregular demonstration, testifying their great reluctance to persevere in the prosecution. This one took to mean some compunction towards Smith. Really it meant nothing at all but tenderness towards the Church and her interests. A year later, the case had still to be dealt with, and the reluctant prosecutors girt themselves anew for their task. But at this point Dr. Rainy invented a curious scheme. The case was shaking his Church to

<sup>1</sup> Mr. David Maclagan, W.S., brother of the present Archbishop of York, led off.

pieces ; it must be terminated by unconstitutional methods. Smith must be removed from his chair. This was not to be entirely a penal measure ; he was to continue an authorised minister of the Church—which no heretic could be. It was to be an act of administrative necessity, disadvantaging a single man for the sake of the general weal. Rainy asked that, if there was odium in the new policy, he might have a share in it.

The request was reasonable, or reasonable so far as it went. He might have asked for the whole. The policy was his, visibly, in every feature. Moncreiff and others who joined him in it were overborne by his persuasions. But only a self-respecting, nay, a proud man, could have taken that tone. Ordinary intriguers would have settled all points behind closed doors, and veiled them in decorous phrases ; Rainy stood coolly at the table and bargained publicly with Smith's enemies. They might well support this resolution as—from their point of view—something very like a verdict and sentence. It would shut Smith's mouth as a teacher ; did they not think that would be all to the good ? Of course we must remember that at this stage Rainy was hampered by the

awkward Moncreiff resolution. It was aimed at a single man, and its effect as a precedent—which was anything but welcome to the cautious leader—would fall to the ground if the case of the one man could be irregularly terminated. For Rainy saw that criticism must be tolerated, though he hoped it would make as few converts as possible.

But his novel scheme was open to a galling cross-fire of hostile attack. The extreme conservatives told him, through the lips of Dr. Begg, that he was making Presbyterianism into “an engine of ecclesiastical tyranny”; while the friends of Smith proposed to cut the knot in a different way, to Smith’s advantage, and succeeded by seven votes. I shall never forget the wild though transient joy of that night, nor the few heartfelt and half-broken words in which Smith thanked the Assembly, and expressed the hope that by God’s grace he might prove a better man for what he had passed through. What upset the hard-won victory? Why, this: there were other Encyclopædia articles in the press, notably one upon “Hebrew Language and Literature,” in which, for the first time, Smith definitely accepted the Graf-Wellhausen critical position. If he had chosen the moment when

the Assembly was hanging upon his lips to say something about the new articles, he might conceivably have broken the force of the attack which ensued. But who knows? His thoughts were preoccupied, and the opportunity—if such it was—passed away. Soon a widespread feeling arose: “We will not be dragged through this trouble a second time!” And consequently Rainy’s “short and easy method,” proposed again at the next Assembly, found a large majority to back it in 1881.

On this occasion it might have seemed more endurable as a strictly administrative measure. There was now no legal stigma upon Smith; Moncreiff’s irregular sentence of condemnation, passed in 1878, had been cancelled, as irregularly, in 1880. But the matter was not quite so simple. Rainy declined to give Smith any assurance of legal immunity. He would not include in the preamble of his motion any endorsement of the acquittal of 1880, or any statement that such opinions as Smith’s were unsuited for judicial censure. This left it open to Smith’s enemies—if they could—to have him condemned for heresy after he had been stripped of his office, and, in a sense, degraded. The risk was run, that the policy might turn out to be



one of punishing first and inquiring afterwards.<sup>1</sup> For Rainy needed the votes of men who regarded Smith as a heretic, and were determined to brand him as one; so he judged it impossible to mark his action as frankly and simply administrative, not judicial. The temptation was strong—victoriously so. It is not uncharacteristic that Dr. Rainy, who would never have dreamed of approaching dishonour from any personal motive or interest, should have brought his Church under grave suspicions—to say no more—for the sake of unity and peace. Of course, in the end, the cause of liberty was helped rather than hindered.<sup>2</sup> But that is not to say that the “end” justified the means.

A few words may be needed as to the later history within the Free Church of Dr. Robertson Smith. He very bitterly resented the irregular fashion in which his case had been wound up, and told his friends he would not consent to preach in any Free Church pulpit until the Lynch Law resolution in question had been

<sup>1</sup> Of course no such prosecution ensued, but the risk was run.

<sup>2</sup> Mr. H. W. Paul, in his *History*, blunders gratuitously as to the date in the month when the Smith case ended, and blunders heavily as to the precise resolution passed. If that is how history is written in regard to matters within one's own recollection, what can the rest of it be worth?

cancelled. Thus he in effect suspended himself from ministerial functions. There is, however, another basis of membership in Presbyterian Church courts besides ministerial office. One may be present as a representative elder—a lay elder, as the phrase and theory generally run. Robertson Smith settled in Edinburgh, became an elder in the church of his friend Dr. Walter Smith—the same Free High Church of which Rainy had formerly been minister—and secured a representative's place once more in the General Assembly, though now as a layman. Unfortunately, he did not create a good impression in his new part. Men tired of his constant clever criticism of Dr. Rainy—clever, but, it seemed, not always fair-minded. It is probable that these incidents helped to rehabilitate the Church leader, in the judgment of those who had most seriously distrusted his line of action. Any public man's success may be regarded as the sum of different factors. If one half is due to his merit, the rest is due to the blunders committed by his critics and rivals. The errors of administrations do more to harm them than the merits of oppositions. In the end, Smith left for Cambridge, where he continued his invaluable original work as scholar and theologian. In

such work he was in the right place. Yet it is grievous that a man so earnest and gifted should have been driven, if not exactly away from the Church of his birth, yet away from the work to which that Church had called him. And it is tragic that he should have departed with feelings of unrelieved anger in his heart.

Another matter in regard to which Rainy has been praised is his presiding over a forward evolution in doctrine, and securing toleration for it. I do not think Dr. Rainy consciously or deliberately did anything of the kind ; I hardly think he would have wished to do so. The changes which he sanctioned were anything but extreme. There had always been two types of Calvinism—one more narrowly logical, one more resolutely evangelical. Rainy adhered to the latter with all his heart, and could conceive himself as simply allowing it to be made explicit in the Declaratory Act which was tacked on to the Confession of Faith. Others might conceive the Act differently ; everything depends upon how an Act of Parliament or Act of Assembly is worked. But Rainy might well ignore other men's differing intentions or wider hopes. The practical politician does not look far ahead.

“One step enough for me” is always the burden of his song.

We used to be told, in days which perhaps were better than these, that a bold stroke might settle the Eastern Question “for at least twenty years!” Rainy, with the care of all the churches coming upon him daily, might very well leave the next generation to deal with a new theology, if it insisted on having one. The old was good enough for him. There was nothing to *compel* him to realise that new doctrines were already capturing many in his own Church. The lull continued. A lull is not a calm, but, while it lasts, you may take it for one. We can hardly wish to see the peace broken by controversy in Scotland at this moment, while slander still dogs the United Free Church and denies them all standing-ground among Christ’s people. One could not wish to see the tension between Highlands and Lowlands increased by a realisation in the Highlands of all that is occupying the minds of thoughtful modern Christians. Still, a difficulty postponed is not a difficulty solved: and that Church, like every other, will have to reckon with living serious belief and disbelief, as it has never yet done. We also in Nonconformist England have been living in a lull.



Whether the shrill voice from the City Temple, with its programme of light-hearted revolution, will drag us into the centre of all these perplexed questions, I do not know ; or whether the debate will die down again till it is opened in a more serious and more responsible fashion. But I cannot doubt that, somewhere, the great debate lies before us.

One attempt to interpret Dr. Rainy's share in the Declaratory Act connects it exclusively with Church politics. He wanted union ; the United Presbyterians, like most Presbyterian Churches, had a Declaratory Act, slightly modifying the old creed of Westminster ; he had to get his own Church into line by inducing it to put forward a similar declaration. In the Church lawsuit this was represented as the whole meaning of the Act. But that is preposterous. There were other forces at work, *quorum pars minima quædam fui*. I myself, ill affected towards the Confession of Faith, had got into touch with a band of younger men, theological students, who felt with unusual keenness the reluctance all students feel towards pledging themselves to the doctrine of former centuries. Our movement might have made little headway if we had not found support from Dr. Lindsay and the late

Dr. James Candlish, who, among other things, were much swayed by this consideration ; many men well fitted to be lay elders had been brought to Christ in England in Methodist Churches, and recoiled from the grim Calvinistic creed they were now asked to sign, in which evangelicalism was obscurely present behind a veil. Ultimately, the official leaders took up the proposal, and it went through, on a modest scale, or with ambiguous results. To get into line with United Presbyterians was no doubt one motive. But it was neither the first nor the second motive at work.

Is it possible to learn any general lesson from this part of our subject? With not a little hesitation, I submit the following suggestions. Not all Churches work with creeds. Congregationalism in our country has carefully eschewed human creeds in the past ; though, for my part, in watching the new currents that are flowing through my own Congregational Union, I feel uncertain how long that may last. Many of the Free Churches of England, however, do work through creeds or their equivalent ; and more may come to do so. Personally I am disposed to believe that this can quite lawfully be done if we are scrupulous in not exacting

exaggerated expressions of agreement ; *i.e.*, if the creed is adopted simply in general terms. Of course this has its drawbacks. You may say that it makes a creed no creed, a safeguard no safeguard. That is not indeed quite true, if you retain the privilege—such as it is—of enforcing a creed judicially. But no doubt a lax formula of adherence does to a certain extent diminish the value of the safeguard. The question is, Can Christian Churches afford the moral risks and discredits of rigid adherence to inherited creeds ? No one can doubt that the pages of Free Church of Scotland history, which we have been studying, show us a Church dishonoured in the eyes of the world ; and who can feel sure it was always unfairly judged, when the world condemned it ? Are we to continue incurring such grave suspicions ? Disciples of Christ are to lead the world on to higher political purity, to higher commercial honour. What if there is a blot on our own scutcheon ? The world has no doubt whatever that in many cases there is such a blot, and that assurances of loyalty, which are of an unreal technical sort, pass muster among us. It is a deadly thing if the Church of Jesus Christ “debases the moral currency.”

## CHAPTER VII.

### RECOLLECTIONS AND ANECDOTES—DR. RAINY'S WRITINGS.

DR. RAINY had been exceedingly popular in the early days of his professorship. When he crossed swords with Dean Stanley (1872) in defence of the Scottish Church, he created quite a furore, of which I received the fresh impression, as a boy, from a sister who heard the lectures. One may be pardoned for quoting a further recollection, furnished, I think, by the same sister,—reporter of the discussion, but not, I feel convinced, a party to it,—a discussion of girls in an Edinburgh drawing-room, “whether they had rather be able to hear Dr. Rainy speak without seeing him, or to see his expression without hearing what he said.” Even the supercilious society of the West End of Edinburgh has its age for *Schwärmerei*. Dr. Rainy, if he had known of this precious discussion, might well have worn the “mocking



smile " with which, as we have seen, another lady credited him. Yet even this talk was significant. He had charmed wiser hearts than these.

But the time of unclouded sunshine passed away; and during the years from 1877 to 1881, when I became a dweller in Edinburgh and a student at his college, his popularity was first threatened, then eclipsed. It was the period of the Robertson Smith controversy; even those of us who resisted for a time the fashionable excitement were necessarily drawn into the vortex. Dr. Rainy's position was clear. He disliked the new views; he thought the Church was bound to tolerate them; but a time came when he persuaded himself the Church could or would no longer tolerate the man. So he led successively on both sides of the controversy, in each case with reluctance, and the tension between him and younger minds grew very keen. I do not know if it is necessary to say that his personal mastery was never in question. The respect with which he was regarded was absolute. "Kurtz gives some rather unnecessary information about Zinzendorf's more peculiar views." The ill-advised class applauds—rather prolonged applause. Without a change in tone, "Silence, gentlemen";—there is silence. The

New College custom was (and, I suppose, is) to open every class with prayer. This was a temptation to formalism, or possibly to irreverence; but Rainy's class prayers were always brief, unhackneyed, unmistakably reverent and sincere. One phrase remains in my memory: "May the inevitable sorrows of life be sanctified to us." And, again,—upon a different morning, I believe,—he thanked God for the things that made life "tolerable and happy." It was a grave, serious, unexaggerated outlook on reality,—the true faith of a Christian, which overcomes, and perhaps transfigures, but never denies or ignores sorrow. It recalled the message of austere comfort sent to Thessalonica long ago; that "no man" should "be moved by" "afflictions," knowing "that hereunto we are appointed. For verily, when we were with you, we told you beforehand that we are to suffer affliction; even as it came to pass, and ye know."

As an historian, he could be very telling—like Gibbon!—when he allowed himself to be sarcastic. His description of the Magdeburg Centuriators caught us; everything began well, and went on well till "the Devil shot in rubbish." He was amusing, too, upon Gottfried Arnold's *Church History*, in which the successive

heresies appear as saintly, the Church as Anti-Christ. Again, when he came down to the Jesuits, he let himself go, and his weighty statements were not heavy, as they sometimes became, but arresting and telling. However, he gave more place to objective "tendencies" in Church history than to personalities good or bad; the fire "in his inside" rarely broke through.

I almost hesitate to record a Glasgow student impression of Dr. Rainy. He spoke (during my time) to the Glasgow Free Church College men on the necessity for sacrifices. Something in his strain bewildered them; and my informant said after the meeting to another student of distinction, "What on earth does he mean?" The reply was, "*He means that Smith must go.*" So at any rate it proved; whether the speech really bore such a meaning—that one cannot say.

Before the end of my course, I had myself passed into troubled waters theologically. The late Robert Barbour set us to debate, in that Theological Society which was our pride and our joy, "Is life better viewed as education than as probation?" I was chosen to champion "Education," and Barbour told me to read up

Erskine of Linlathen. I read as directed. Eternal punishment had often been a difficulty to me—a difficulty fought off; but now I could fight no longer. That belief had to go. Not that things stopped there, naturally. I remember another Glasgow friend describing someone of uncertain theological position as “having many of the pins out of his machinery,” and improving the occasion by adding, “Robert, there are a good many of the pins out of your machine.” It was undeniable; yet, when I left college, there was but one point clear.

I had thought to pass out from college lower than the scholarship men. But my vanity would not allow me to be content with a place far down the list; I failed to hit my precise mark, and found myself appointed to a Cunningham Scholarship. So my problems became urgent, and I had to call at once upon Dr. Rainy. He counselled me clearly on one point. “Of course you must accept the scholarship. You must have time.” For the future, “You are quite right; we must all serve the same Master.” With a certain effort, I pulled myself together for a further appeal: “Dr. Rainy, I don’t wish to speak over-confidently, but I see no probability whatever of my returning to the



old view of future punishment." To that he made no reply. Looking back over many years, one sees that there might be more than one interpretation of his meaning.

Since then I have been little in contact with him. When I published *Christ and the Jewish Law* (1886) he wrote me a very kind letter of praise. And when I found my path in life by entering the Congregationalist Ministry (1890), he rather surprised me by another kind letter, in which he told me he was quite sure I was taking the right step "in the meantime" or "under present conditions." Had the words a definite meaning? The question had no "actuality"; an emigrant more than thirty years old, if he has any sense, casts no glance behind him. Nor dare one despise freedom: "Our soul is escaped like a bird out of the snare of the fowler; the snare is broken, and we are escaped." Yet one wonders; did he mean anything?

To turn to recollections of what others told me; I had the following from one who studied theology at the New College, but has risen to high distinction in a different profession. During the early days of Mr. Gladstone's Home Rule policy, Dr. Rainy was present in an

Edinburgh drawing-room where Hugh Price Hughes was pouring forth his soul in commendation of the new departure. All the opposition was "want of faith in God—want of faith in God." Rainy could not refrain from pricking the bubble. "With some of us, Mr. Hughes, it has rather been want of faith in the Irish." Indeed, according to family tradition, Rainy in less responsible days had been among those who said, in their haste, that the only solution of the Irish problem would be to sink the country for twenty-four hours in the Atlantic. None the less it must be acknowledged that he fell into line with his political friends, and, having accepted Home Rule, adhered to the policy without wavering. He could be under no delusion as to the effect of the new programme upon the political cause which he had most at heart. Mr. Gladstone's decision, whether wise or unwise, postponed Scotland and its Liberalism to Ireland and its Nationalism. No bargain was possible, upon terms of mutual interest, between Nonconformists and the great Home Ruler. The cause required a sacrifice, and Nonconformity had to provide it. Not without satisfaction, as we may suppose, Gladstone the High Churchman

noted this as one result of Gladstone the Radical's daring plunge.

Another characteristic saying I owe to a different friend. Dr. Rainy had been preaching for my informant soon after the ejection of Robertson Smith, and asked my friend whether he had heard Dr. Marcus Dods' Assembly speech? My friend had. What had my friend thought of it? My friend thought it a fine speech. "The finest thing I ever heard in my life," said Rainy with emphasis. Now the speech had been a severe criticism and condemnation—not the less severe for being measured—of Dr. Rainy's *coup d'état*. The greatness of the crisis had drawn Dr. Dods out of his usual reserve, and had led him to take part in debate upon the floor of the Assembly. He had blamed—and this was the effect he had produced upon Dr. Rainy's own mind. There was no littleness in the man who could thus candidly estimate the merits of a debating speech directed against himself. The detachment shown was magnificent; the praise was Olympian; but was it all quite Christian? Is it thus that one striving and erring disciple ought to receive censure from another?—fallible censure, of course, but yet grave, measured, weighty. The anecdote

reveals Dr. Rainy, in the recollection of a hazardous moral experiment, as a man extraordinarily sure of himself. There was no burden on that conscience.

In private intercourse Dr. Rainy had the simplicity of real greatness. He was not constitutionally frank, and probably had a difficulty in finding small talk. He once said to my uncle, Don't silence children at table! and went on to hint that the old-fashioned *régime*—which required young people very literally to be seen and not heard—had been bad for himself. But he had every inclination for friendly intercourse, and could throw himself heartily into a game. I remember finding myself by his side at a game of "Clubs." The clues furnished us seemed to lead nowhere, and I gave an ejaculation of despair. "Now, now," said Dr. Rainy sharply, "we mustn't give up; apply your mind!" And he applied his own mind with such effect that he soon victoriously solved the difficulty. When I first knew his house it was at 8 Rosebery Crescent. He had built it for himself, and it had a much more handsome interior than the adjacent houses. To the same house he returned, in the last years, when the changes of life and the inroads



of death had lessened the family circle ; it may possibly save some inquirer of later days from misapprehensions if one puts it on record that Dr. Rainy was for two separate terms the occupant of this dwelling. In the interval, the family home had been at 23<sup>1</sup> Douglas Crescent ; not very far off, but with a colder northern exposure, redeemed by one of those beautiful prospects in which Edinburgh is so rich. Dr. Rainy once said to me—*à propos* of a house in Atholl Crescent—that he thought there was much to be said in favour of living upon the shady side, with good fires, and looking out upon houses or landscape lying full in sunshine.

He was a man who gave and received much happiness in his home. The “inevitable sorrows of life” did not fail to enter there ; sickness came, and anxiety, and bereavement ; but no one who knew him could doubt that these sorrows were indeed “sanctified” by the grace of God and the Christian hope.

It may be well to make some reference to his principal writings. They were almost all, like those already mentioned—the short piece on

<sup>1</sup> I have the impression that Douglas Crescent was renumbered during his occupancy of the house there.

Newman, or the lectures in reply to Stanley—occasional writings; they were the by-products of a career of practical activity.\* His Cunningham Lecture on the *Delivery and Development of Christian Doctrine* (1873, published 1874) was his most serious contribution to constructive theology. It vindicated an evangelical and orthodox sense for the idea of doctrinal development, which, at first resented as rationalistic, became only the more suspect to many pious minds when Newman claimed it for the Church of Rome. Rainy pointed out the historical development of revelation in the Old Testament and in the New. He showed that, even in the latter, teaching was occasional, not systematic. And, coming down to later history, he insisted that development did not begin with the full meaning of Scripture, but with the imperfect understanding of Scripture attained in the sub-apostolic Church. He was thus able to claim that the fulness of Scriptural truth was the goal of doctrinal development, not the starting-point. The boldness, the felicity, the depth of Bible teaching were urged upon the reader's notice. When modern Christians or theologians were inspired, they might teach with equal ease and force, but "not till then." Yet perhaps even

in this book the most interesting thing was the statesmanlike closing chapter upon creeds, with its clear affirmation of the Church's right to revise formularies, and its hint that the duty might become urgent. It was no afterthought with Dr. Rainy that doctrinal revision might be necessary, but a truth belonging to the essence of his type of scriptural Protestantism.

Dr. Rainy also wrote the greater part of the Life of his master, Principal William Cunningham (1871, begun by the Rev. James Mackenzie). *The Bible and Criticism* (1878)—lectures delivered to the students of the Presbyterian Church of England in their old home at Queen Square, London—dealt with the principles underlying the new theological problems raised by criticism. "History" was "the field where the Bible and criticism met." Dr. Stalker has aptly remarked that Rainy had a clear conception of the rights of critical science, but had never come to accept any body of critical results as a thing to be made room for in his personal belief. I presume Dr. Stalker is referring to the Old Testament. New Testament criticism has no prospect of unsettling or resettling theology to the same degree to which Old Testament criticism has affected it. And if New Testament study is to

do such work at all, in real measure, its battle has still to be fought. A popular lecture on St. Paul,—congenial theme!—in the volume called *The Evangelical Succession*, is one of the most brilliant and telling bits of work Dr. Rainy ever did. He wrote the volume on *Philippians* for the *Expositor's Bible*, and published a collection of sermons entitled *Sojourning with God*. Both contain grave and affectionate discourses upon the Christian life.

Finally, his *Ancient Catholic Church* (1902) showed a former student the material of the well-remembered class lectures revised and reconsidered. The book is of interest as the utterance not merely of an earnest and powerful Christian mind, but of one who has stood at the heart of affairs and shared the problems of government. He is never satisfied to antiquarianise the theme. He looks at every turn for the workings of God's Spirit on the one hand, and for known human peculiarities and weaknesses on the other. Possibly it might be fair to say that he somewhat fails in tracing continuity. His study of the ancient Church may seem to break up too much into isolated problems. They are strikingly handled; they are studied in living parallelism with the life



of to-day ; but we are scarcely made to feel that we are standing beside the upland waters of our own river—that river which has opened out into the mighty estuary of modern Christendom.

## CHAPTER VIII.

### HISTORICAL PRECEDENTS ON CHURCH PROPERTY.

WE have seen that, during the earlier Union negotiations, the Free Church minority had already formulated a threat of claiming the whole Church property, if the majority dared to carry through an incorporating union with United Presbyterians. The threat was fulfilled with complete technical success after the Union of 1900. We must prepare our minds for that situation by inquiring into the earlier actions of Scottish and British law courts in regard to Church property. And we shall have to ask, What were the safeguards upon which the Free Church of Scotland relied? Its leaders were careful men, and they believed that they had kept their Church's hands free even in the eyes of State law. Still, they were aware that no safeguard could make things absolutely secure.

(1) Anglican theology has had its own history

in the law courts. Cases naturally arose, in the life of a well Erastianized Establishment, in which lawyers discussed doctrine for doctrine's sake. Conspicuous among these was the Gorham case, which allowed the Evangelicals to breathe freely; but there followed the *Essays and Reviews* case, which dismayed the Evangelicals by enfranchising the Broad Churchmen; while, later, a series of cases aimed against the Ritualists had the result of putting that party also in a pretty safe position. In one respect, these decisions pave the way for the recent verdict. For the judges have shown themselves steadily jealous of Church liberty. They would not allow the Church of England to expel extremists either on the right hand or on the left. They were quite prepared to enlarge individual liberty so long as they could curtail Church power. Similarly the recent decision has favoured a narrow minority, and has done its utmost to paralyse a great majority. But, while we may trace continuity in legal acts or instincts as we follow out this line of thought, in another respect we must confess a contrast. Church documents, in the Anglican cases, received a minimising interpretation from the lawyers. In the Scottish case, lawyers created

a document for themselves out of the *obiter dicta* of an annual chairman,—Dr. Chalmers, the first Moderator of the Free Church of Scotland,—and then proceeded to employ cast-iron principles of interpretation. There is uniformity in legal instincts and ends; but the methods followed afford one more example of the “glorious” uncertainty of law.

(2) For our present purpose it hardly seems necessary to mention the details of the painful “Ten Years’ Conflict.” Patronage gave rise to the primary quarrel, as already mentioned, in connection with the “Veto Act.” Further issues arose when the Assembly claimed the right to receive into Church courts, without any consultation with the State, ministers of new charges which the Church had erected, and a certain number of Secession ministers who with their congregations had returned to the Establishment. All this was done, not because the right to do so was explicitly reserved in the Church’s bargain with the State, but because the Evangelicals held that, in the nature of the case, they were untrammelled by any bargain. It was a sort of common law privilege they claimed—not a privilege laid down by the common law of the land, but a privilege analogous to common law



rights, inherent in the nature of a Church and independent of written statutes. The bitter and prolonged litigation led to the decision that these supposed liberties of the Church antecedent to statute were non-existent — indeed, were impossible within an Establishment. Nay, more than this was laid down. It was ruled that, when any civil rights or privileges were affected, civil rights carried with them all inferences in the spiritual or ecclesiastical region. If the Church even deposed a man from the ministry, and did so in the course of a controversy as to legal matters on which Law courts took a different view from Church courts, the man was not deposed at all, and the Church's action, though exercised in regard to the spiritual office of the ministry, was null and void. So the Law courts affirmed ; and so the Assembly of the Established Church of Scotland, after the seceders of the Disruption had left them, agreed that it should be.

(3) All this had reference to Churches established by law. But there was also a history of legal decisions in regard to the property and the rights of non-Established Churches. This history took its rise in Scotland and passed through three phases.

(a) First came a period during which there was a tendency to leave the actions of Dissenters very much alone. Partly, perhaps mainly, this attitude was due to contempt. The *ius gentium* of ancient Rome was also in part the product of contempt. A foreigner had no right to the precedents of citizenship; rough equity must suffice for him. It seems that, in different lands and ages, a lawyer's contempt has proved less burdensome and mischievous than his respect. If Scottish Dissenters were not to be flattered with the best offices of the law, or put on a par with the favoured Establishment, their cases must be got rid of in the simplest way—Count heads and ignore a minority. This, in however contemptuous a form, was a rough charter of self-government. There was also, says Dr. Taylor Innes,<sup>1</sup> a feeling at that period, that those who had made great sacrifices for the sake of liberty ought not to have their liberties abridged. The feeling seems to have disappeared from recent courts of law.

(b) A change occurred when a certain celebrated or notorious case among the Scottish Dissenters, the *Craigdallie* case, went up on

<sup>1</sup> In his standard work on *The Law of Creeds in Scotland*, which I have closely followed in this narrative.

appeal to the House of Lords. For twenty years the case moved backwards and forwards, and was incubated by the slow wisdom of Lord Eldon and other judges. The immediate decision in that case was by no means unfavourable to liberty. True, Lord Eldon rebuked the Scottish judges for their disposition to settle the matter by merely inquiring into majorities, and sent the case back to them in order that they might try what he regarded as the true issue, viz., which party had stood most loyally upon the ancient lines. However, the Scottish judges reported that, so far as they could tell, the change complained of upon one side was nothing substantial; and Lord Eldon, on the matter coming before him again, admitted that, so far as he could decide, the Scottish judges were right. So the grasping minority of the Craigdallie case found themselves baffled, and the single chapel at issue was confirmed in the possession of the majority. Yet the doctrinal change which had offended the minority was nothing less than the New Light—Voluntaryism in germ. And the highest courts had decided that, in germ and on principle, the new views did not warrant deprivation of property. The entangling part of this case was the general assertion enforced

by Lord Eldon, that any substantial change in belief would involve absolute forfeiture of property. More than a hundred years ago, the idea of a trust was thus, in the narrowest way, applied to a Nonconformist Church. I do not gather that this was done spitefully. The old attitude had had a trace of contempt. Eldon reversed it. He said, Yes; we must find strict law for these obscure litigants. And this is it: Those who stand for the old principles must prevail. Lord Eldon took one conceivable aspect of equity; but unhappily it was misconceived. A Church is not a body constituted for inculcating a list of fixed dogmas. Thought must have its evolution. The dilemma, Revolution or Stagnation, is impossible in any region of life.

The new principle speedily began to work mischief. It had been announced upon a Scottish appeal, but there was nothing to confine its application to Scottish cases; and the Unitarian Chapels cases were ruled by it, along with the case of Lady Hewley's charity. This involved not a little injustice; for the life of the Unitarian Churches had undergone a continuous evolution away from the old orthodoxy. So far as a remedy was found, it was found by appealing to prescription and basing upon pre-



scription a new Act of Parliament. The Unitarians must consider themselves fortunate that no minute fighting minority arose to claim their property, until time enough had elapsed to put prescription upon the side of those in possession.

(c) In Scotland too, under the guidance of Lord Eldon's authoritative ruling, the decisions of the judges began to be much less favourable to Nonconformist liberty and self-development. It is true that, in a comparatively early case—the *Campbeltown* case of 1837<sup>1</sup>—one Scottish judge, Lord Meadowbank, interpreted Lord Eldon's ruling so as positively to encourage liberty of change in Nonconformist Churches.<sup>2</sup> This same judge had recently treated the Established Church to a very scornful description—it was “purely a creature of statute.” His rulings therefore looked in the direction of refusing all liberty to Establishments, and granting it very fully to Dissenting Churches. However, it appears that his decision—though it stood, without appeal—constituted no precedent for the future. In 1850, in dealing with the *Kirkintilloch* case, the leading judge, Lord

<sup>1</sup> See above, p. 28.

<sup>2</sup> He had been counsel for the majority in the *Craigdallie* case.

Justice - Clerk Hope, strongly attacked Lord Meadowbank's speech of 1837 as bad law and a misinterpretation of Lord Eldon. And, with the full concurrence of Lord Moncreiff, a representative of a distinguished Whig and <sup>1</sup>Free Church family, it was ruled:<sup>2</sup> (1) that a congregation, holding ordinary local trust - deeds, may sever connection with its denomination if any new doctrine is introduced to which it cannot assent; (2) that a congregation may—preserving its property—stand aloof from a union simply on grounds of whim or policy, though the union should involve neither the acceptance nor even the toleration of any new doctrine whatever. So widely were the limits of caprice drawn for a majority within a congregation. But in 1852, in the *Thurso* case, when a union of Old Light Seceders with the Free Church had taken place, a further point was reached, and a *minority* (in a congregation) which disliked the union was permitted to retain as its own the local Church property. Change of doctrine was alleged by the *Thurso* dissentients; but Lord Wood, in intimating the unanimous decision of the Court of Session, laid down the position that mere unwillingness to unite would

<sup>1</sup> At that time.

<sup>2</sup> Lord Cockburn dissenting.

entitle a dissentient minority to the property under dispute. At the later union of Reformed Presbyterians with the Free Church, in 1873, one or two Reformed Presbyterian congregations split off; and the local opposition to union secured the property, without lawsuit, on the principles of these recent judgments.

It may seem strange, in face of some of the precedents just named, that the Free Church majority went forward to Union without much fear of being penalised in property. If we think this strange, there is more still to surprise us. Two Scottish decisions—arrived at by four judges, unanimously, with varying degrees of emphasis—legitimated the Union of 1900, and declared that it must carry property with it. When we look closely, we see that the Free Church had peculiar advantages, though in the end they availed it nothing.

(1) For the most part, property was held under a model trust-deed, which made it not local but central. Church buildings were to be used by a congregation of the Free Church of Scotland, or of any body of which it might come by a union to form part, whether under

the same name or under any other.<sup>1</sup> Dissident congregations as such were not likely to succeed in retaining property. So far as the nature of the titles could be of assistance, the Free Church had guarded against one danger—that of local disintegration. But this proved a doubtful gain in the issue. It compelled the enemies of Union to fly at higher game. They claimed, and were allotted, the whole.

(2) The Free Church had looked forward from the outset to probable unions. It had entered unanimously into union twice, with small bodies of Churches (1852 and 1873), and its trust-deeds provided for the possibility of unions by a majority vote. All this was important in view of remarks made by the judges in the Kirkintilloch case. It had been argued confidently on the Bench that those who founded a Church by a secession could take no pleasure in the thought of union. The argument rested on complete misunderstanding or ignorance of Scottish piety. But it was well to have constitutional documents which showed, in plain black and white, that such was not the attitude of the Free Church. Still, in the House of Lords, the deliberate legal arrangements set

<sup>1</sup> See further below, p. 117.



up in the early days of the Free Church were overruled by a recurrence to the speech of its first Moderator, Chalmers. Counsel for the successful minority dared to compare that speech with the prospectus of a new company, and this luminous comparison was adopted by Lord Davey. Nothing created greater anger in Scotland than this insolent phrase.

(3) The Free Church represented that party in the Scottish Establishment which had fought passionately through centuries for Church freedom. They held that their freedom flowed necessarily from their Church's relation to Christ—a thing altogether supernatural and divine. They or their fathers had paid the heaviest possible penalties at the Disruption, in order to secure freedom for the Church even in the eyes of human law. They took for granted that their self-government was now complete, and included the right to modify doctrine—a process which the Barrier Act of the seventeenth century contemplated and regulated. Once again the evidence of history was upset by a rigid application of the law of trusts. Casual words of a single man—words which Chalmers himself qualified within a few days—were treated as a constitutive, irreformable

law, on the faith of which, forsooth, lovers of Establishments had subscribed to the Free Church, bringing it into eternal bondage. Chalmers' words were not even an accepted formula. But it is certain that no creed would have been treated by the first Free Churchmen as irreformable. Scripture was irreformable to them, but nothing else was. One may feel that there is good reason to distrust creeds; but readers must be on their guard against Unitarian critics who assume that in every Church a creed carries finality with it, and that those who would be free must be creedless. Neither of a man nor of a Church is that true. We are not without law to God; we are under law to Christ. Creeds may be, and if they exist at all ought to be, accepted as a progressive apprehension of Christian truth.

Without saying that the distinguished counsel who served the United Church served it very wisely, we may trace the ruin of the Church's prospects in the main to one thing—to the disallowing of the Model Trust Deed, and the manufacture of a legal bond to replace it out of the unstudied words of Dr. Chalmers.

## CHAPTER IX

### THE UNION OF 1900 AND THE GREAT LAWSUIT

THE last great concern of Dr. Rainy's public life was the Union of 1900 and the trouble which arose out of it. The hope of reaching Union *via* Disestablishment had been clouded by the rise of new political issues, which sent the Liberal party into the wilderness; most of the Anti-Union champions were dead and gone; and the scheme of Union upon the old lines was revived. One never knows how far wire-pulling experts may be secretly at work; but, to all appearance, this was a genuine popular revival, beginning among the rank and file, and for the most part among laymen. What Rainy said was, "If we do take it up, there must be no turning back this time." The general opinion proved to be, "Take it up!" When Christians are united in ninety or ninety-five points out of a hundred, there is no small responsibility in holding back a movement for Union, even if

there be danger of trouble or loss. They took the risk, and marched on.

Englishmen often ask, Why did they not apply for an Act of Parliament? Certainly it would have involved no breach of their principles to secure an Act of Parliament for the regulation of property; but they believed that that line of policy would be open to misunderstanding, and would bring no compensating advantage. The fight would have come in another form. They could not go to Parliament—on the Free Church side—as a unanimous body. What they did hope was that practically every responsible and trusted man would be on the side of Union; and I am assured that, had not one prominent Highland minister broken away at the eleventh or twelfth hour, there would have been no secession to speak of. In spite of this partial breakdown, there was an immensely impressive scene at the Union of the Church Assemblies in 1900. Dr. Rainy had already been Moderator of the Free Church Assembly in 1887—the first man not a “Disruption” minister to be called to that high post. The honour came without pause or hesitation a second time, when he was called to be the first Moderator of the United Church. Amid a heavy downpour



of rain, undaunted by externals, the long processions of Free Churchmen and United Presbyterians left their separate places of meeting and converged upon the Waverley Market, to form the first General Assembly of the United Free Church of Scotland. It seemed as if everyone was full of goodwill. Dr. Maclaren and Dr. Joseph Parker spoke for English Nonconformity; Dr. Cameron Lees unofficially but heartily expressed congratulations from the Established Church of Scotland; even the Church of England smiled upon a movement for mitigating "schism."

In the light of subsequent events, the question is often put, Why did not the dominant majority treat the minority more gently? I do not know the answer; but I can believe that all, leaders and followers alike, took a very unfavourable view morally of the conduct of the minority. The Free Church majority were the children and grandchildren of those who deposed the Strathbogie ministers, and the younger race also were more likely to invoke the terrors of Church discipline than to throw fragments of the Church's heritage to those whom they regarded as rebels, and whom they already suspected of treason. Myself the child of a

father who shared in the great sacrifice of the Disruption, I could not easily find words to express my feeling of the utter departure of the Free Church minority from the principles of 1843; not in claiming property by a lawsuit, but in claiming it on the ground that a Free Christian Church, as such, has no right to revise its creed or to unite with fellow-Christians. Is it supposed that the minority has not changed? They have strained out the gnat of change, and swallowed the camel. At the same time, I feel bound to admit that, in my humble judgment, it would have been wiser, and infinitely more Christian, to treat the minority as erring brethren—which no doubt so many of them are<sup>1</sup>—and to make the utmost efforts for peace. I do not think that Christ, the only Head and Lord of the Church, would have grudged a portion of His own Church property to these, as we may think them, very wrong-headed men, even although there seemed a hope that their claim to the whole might wholly break down. I should not think that the greatest majority, face to face even with a morally suspected minority, was likely to go too far for the taste

<sup>1</sup> There is a curiously mixed multitude of camp followers. But that is the case with many armies.

of our Lord Jesus Christ towards earning the blessing which He pronounced on peacemakers. If men can get away from legal theories—even from scriptural theories of Church law—into the presence of the Master, they learn a higher wisdom. However, we ought to be able to recognise what plausible arguments there were in support of that which we consider the wrong policy; and one would hesitate to pronounce an opinion in the matter at all, except that we must try to learn lessons for the future, and fit ourselves for behaving in a Christian way towards those who handle us un-Christianly, if we should ourselves be overtaken by a day of trial.

In Scotland, then, it was war upon both sides—war, and not peace. Two actions were raised before the law courts: one by the smaller faction, claiming the property held in trust for the Church as a whole (*e.g.* Colleges and Assembly Hall); the other by the United Church, claiming a few church buildings already in the hands of the minority, ultimately one, as a test case. There was a reason for this seemingly oppressive second action. The first action did not bring the Model Trust Deed before the law courts at all. The United Church felt that the Free Church

Model Deed was overwhelmingly in its favour, and that the judges must have it submitted to them. In order to gain this end, they claimed some local property. The result, as it proved, was merely to hasten the determination of sentence against themselves. Both actions were decided in Scotland in favour of the United Church : first by a single judge, the Lord Ordinary, Lord Low ; then, on a first appeal, by three judges sitting together, unanimously—Lord Justice-Clerk Macdonald, Lord Trayner, Lord Young. But on a further and final appeal, the House of Lords reversed the whole decision.

Fortune, or Providence, had played unexpectedly into the hands of the minority party. One of the judges hearing the appeal in the House of Lords, Lord Shand, a Scotsman, died. It was freely asserted, and has never to my knowledge been denied, that Lord Shand's opinion was manifestly in favour of the decision of the Scottish courts ; that the result would have been an equal division of opinion among the Law Lords ; and that, by constitutional practice, this would have meant the confirmation of the decision of the lower courts. But Lord Shand died, and the proceedings before the Lords had to begin afresh. It devolved



upon the Lord Chancellor, Lord Halsbury, to bring new judges into the case. Some surprise was expressed that Lord James of Hereford—a distinguished lawyer, but of no judicial experience—should have been among those chosen; but no one could question that the new tribunal had very great gifts. There followed—so an able lawyer has put it to me—a keen struggle between Lord Halsbury of the one part, and the counsel for the United Free Church of the other. The struggle was for the verdict of two men—Lord Davey and Lord James. Others were as good as gained or lost already: three were for the minority—the Lord Chancellor, Lord Alverstone, Lord Robertson; and two for the United Church—Lord Lindley, Lord Macnaghten. The scale must be turned by the remaining two votes. If both favoured the large Church, it was safe; if even one favoured the little Church, it must be victorious. In the end, Lord Halsbury gained both. It was a brilliant achievement. Whether it was a suitable distinction for the presiding judge of a supreme court, it is not for a layman to say.<sup>1</sup>

<sup>1</sup> Some remarks on the theological views expressed in court are added in an appendix.

Even those who did not admit that the decision was unjust had to admit that it was preposterous. The little knot of irreconcilables, who were now declared to constitute before the law the Free Church of Scotland, were quite unable to work the vast property assigned them. Here at last law spoke a word in favour of common sense. No trust can be left in hands that are unable to administer it. And in the end Mr. Balfour's Ministry passed a Bill assigning the property to commissioners, under the chairmanship of Lord Elgin, who were to redistribute it. Of course this has not brought things back to the test of numbers. Inevitably the smaller Church has received far more than a proportional share of the "spoils";<sup>1</sup> while ministers and congregations of the larger Church, especially in remote and poor districts, have had very much to suffer. Not a few strange decisions in detail have been announced. Still, the worst results have been averted.

How is such injustice to be avoided in the future?

<sup>1</sup> A very strange sentence in Lord James of Hereford's judgment seemed to show that he did not know what the decision involved, but supposed the question to be—purely academic!

At present, the law regards non-Established Churches simply as voluntary associations of individuals, who have the right of acting together for purposes which the State judges to be innocent. If they hold property, its destination is determined not by considering what is reasonable in fellowships of the nature of Churches, but by the terms of a law of trusts which regards changeless rigidity as the only possible form of historical continuity. The State itself frequently interferes with property held in mortmain, either by special Acts of Parliament or by a standing administrative body like the Charity Commissioners. But, except when the State breaks the ban of the past, law refuses to conceive of such a thing as development or progress or continuous life. Even a Church which is least willing to be so treated finds itself construed as a trust for holding property in terms of a changeless schedule of doctrines. If the schedule contains a provision for change—good; if not, change is legally impossible. This will not help us. A vast quantity of property is held by Christian Churches under instruments which contain no such clause. To seek our remedy by passing a few thousand private Acts of Parliament

would be grotesque. It is a public question. The principles, the safeguards, the limitations of a new system permitting change are all matters for public discussion. And we are in a measure safer from the pedantry of lawyers when the whole public is interested in watching them, than when they deal with sections of the community one by one. One cannot here attempt to go into detailed plans,<sup>1</sup> but something may be said in regard to principles.

1. Ought the State to decline to hear complaints from within Churches? This seems to be suggested when we are told<sup>2</sup> that the unhappy decision of the House of Lords "violated spiritual independence." One does not wish to haggle over words. And one may agree with those who use that expression up to a certain point; *e.g.* that many unseemly things were said about Churches during the lawsuit, and that Churches were treated as they ought not to be. But if the meaning is that conscientious rights were infringed, I cannot agree. Justice

<sup>1</sup> For a suggestion of detail see p. 117. And see Dr. Taylor Innes' statement regarding New York State law (in *Law of Creeds in Scotland*).

<sup>2</sup> *e.g.* In a resolution of the English Free Church Council. But the statement is often made.



miscarried grievously, but there was no persecution. Law, as the judges understood it, was honestly expounded, in however wooden a way, or with whatever curious manifestations of personal feeling in some instances. Conversely, if it is meant that the actions of Churches are too sacred for the law courts ever to inquire into them, I very gravely dissent. "Every ecclesiastical act," says Dr. Taylor Innes, "has civil consequences"; and therefore ecclesiastical acts, done in the name of God or of Christ, may be made the vehicles of spite, of injustice, of injuries to a British citizen for which, I conceive, law ought to give him a remedy. Of course grown men may contract themselves out of many rights. But we can hardly wish law to validate such contracts, and certainly not to encourage them. For the individual Christian, again, it will undoubtedly almost always be the worthier course to bring no action against his fellow-churchmen, but rather to forgive all things. But it is hardly for the law to press that course upon him. Since the State ceased to persecute, it has never intervened in the affairs of Nonconformist Churches except when asked to do so by a minority, or an individual, alleging ill-treatment. If the Church has a conscience, the State ought

to keep a conscience too ; and the State's plainest duty is to bring a remedy for injustice within the reach of its poorest subjects. In an imperfect world, it may be no bad check upon ecclesiastical authorities that, if they do violent things in contempt of their own constitution, the law should be ready to grant damages against them.

2. Yet it may be maintained that spiritual independence, rightly understood,<sup>1</sup> is the central and vital truth of the situation. Dr. Taylor Innes has a notable phrase when he describes Nonconformist Churches as working in accordance with their "corporate consciences." I do not know whether the eminent lawyer identifies this Church-conscience with that which makes the claim to spiritual independence, but I hope he does ; or I hope he would at least permit the identification. In a very suggestive passage, he inquires whether law must always regard Churches simply as voluntary associations to do innocent things ? May it not recognise that they act under *compulsion* from *conscience* ? Yes, they dare do no otherwise, so help them God ; and in Jesus Christ they have heard that great

<sup>1</sup> The phrase is not a very old one ; Dr. Taylor Innes dates it from 1838.

Word in whom God speaks peace to the guilty conscience, light to the darkened, power to the helpless. Like every other moral right, the right to spiritual independence is one which the proprietor *dare not cease to claim*. But the moralised and Christian State must be content to respect the right *when it can*. It can give no pledge in advance that it will reverence or even endure every act that claims to be done under pressure of conscience. There is many a sham conscience in the world; and there is a corrupted conscience.

3. We may now hope to find ourselves on the right lines for answering the question, What societies are to have the benefit of the new liberties? One friend, with whom I have talked things over, takes for granted that only Christian Churches come into the reckoning. The State's new attitude is to be a tardy homage towards Jesus Christ, and shall avail for no conscience except the Christian conscience. I trust we shall not take that line. Of course, being a Christian, one believes with all one's heart that the Christian conscience—when it is Christian indeed, not merely saying, "Lord, Lord," but doing God's will—is the normal conscience, the healthy conscience, the conscience that sees

clearly what it would be at. But Christ is Lord of conscience at every stage, and He requires us to reverence the very humblest of its perceptions. It would be unchristian, at this time of day, to accept a protection for the corporate conscience of the Christian Church which did not avail for every corporate fellowship in moral matters. The immunities we are to claim, whatever these are, should be asserted practically on behalf of all societies desiring them. If non-Christian religions are practised in our land, and so desire, or if ethical societies so desire—provided they are unanimous, or the minorities are duly protected—let them go into the schedule of our new Act of Parliament.

4. Are there to be no safeguards against sudden and violent change? I submit that there ought to be safeguards, and that the State is doing part of its proper work in insisting upon them—*i.e.*, of course, in insisting that *trust property* shall be protected by such safeguards. Nothing of this sort could be more complete than the Barrier Act of the Scottish Presbyterian Churches. According to it, all grave changes must be sanctioned by two General Assemblies and a majority of Presbyteries. It is like providing that a constitutional amendment must



pass two Parliaments—at least, if they were annual Parliaments—and must in addition commend itself meantime to a majority of County Councils. I only wish that Congregationalism, which has driven out creeds from the religious life and enthroned them in their very worst form in the trust deeds of Church property, had any system of safeguards half as good to offer to the legislature.

5. Ought a minority to have any protection beyond the safeguards which would prevent changes from being rushed? Practically, the Free Church Model Deed said No, unless the minority is large. There is a sort of equity in that provision—the rough approximation to justice which is the utmost that the clumsy finger of law can compass. Ecclesiastics argue with some force that divisions ought not to be made easy. Still, it might be well to set aside that consideration, and all the more willingly because of the existing state of the law. If the party of stagnation in every Church are at this moment—through the error of former generations, or by the accident of a lawsuit—legal owners of the whole property, we shall be wise to take a lenient and not a grudging view of their equitable claims. It will pay to do so. We

may secure an instalment of justice in that way ; if we take the other course we might risk the loss of much, perhaps of all. And what is the more politic course is probably also in this case the more Christian. The good and the bad of human nature alike declines to be concussed ; and human nature is found in Churches, as elsewhere. If religious societies give generous terms to little minorities, schisms are not likely to multiply. They may even decrease, if the necessity is accepted by the Churches ungrudgingly, as a necessary and Christian thing.

6. Is the right of doctrinal change to be limited or unlimited ? Dr. Taylor Innes inclines to the drawing of a distinction between fundamentals and non-fundamentals, and the confining of change to the latter. He cannot as a lawyer conceive that a religious body has the right to carry property with it, if it has moved into an entirely new region. He begs Churches to specify their fundamentals, cutting down creeds to a minimum—which law courts might henceforth recognise as serious beliefs, not to be tampered with in the communion professing them. Of course, the point is open to difference of opinion ; but I cannot help thinking that such a view

misreads the lesson of history. The State, looking on from outside at the changing thoughts of Christian Churches, can only ratify the tendencies of the human mind. Let the State sanction self-government. It follows that a minority cannot bring in serious changes; and we have already postulated that a majority shall be required to deal generously with a protesting and separating minority. If no one protests at a time of change, and the whole community lapses together from its former hold of truth or former entanglement in error—whichever it be, or be considered—then it is not equity but iniquity to separate between the living community and the property bequeathed by the dead hand. I speak of Church property in the stricter sense, and would not wish to dogmatise on the difficult question of special private trusts auxiliary to Church life.<sup>1</sup>

But someone may say, What have Churches gained by renouncing State alliance, if their property is still in so highly precarious a position?

Does anyone think that an Established

<sup>1</sup> Like Lady Hewley's charity in the past.

Church, whose action had been successfully challenged, on whatever grounds, as illegal, could have secured the considerable measure of redress which, by universal consent, the Church Commission has been granting in Scotland? But the true answer lies deeper. Oppressive and bad as it is, an injury to the pocket is not the same thing as an injury to the conscience. The distinction, though obscure to certain minds, veritably exists! Not even the House of Lords proclaimed that the two Churches were not united. The Court of Session before 1843 did tell the Established Church of Scotland that the Strathbogie ministers were not deposed; and the Established Church of 1843 took its orders from its masters. Modern Established Churches are pledged in advance to such acts of compliance. They suppress the collective Christian conscience as if it did not exist. That is the supreme reason why Nonconformists long, and work, and pray for the day of their enforced emancipation.



## CHAPTER X.

### THE LAST YEARS.

THE blow which might have crushed a weak man seemed to stimulate and reinvigorate Dr. Rainy. He had been in London, watching the slow but manifest drift of the law case towards the decision that finally was announced ; he had helped to furnish the counsel representing his Church with guidance, from time to time, as to the Church's real beliefs ; and he had listened to the very diverse summaries in which the different judges intimated their conclusions. Votes ought no doubt to be weighed, as the saying is ; but in this imperfect world they have to be counted ; and the votes were five to two. He threw himself like a young man into the task of dealing with the painful situation thus created. Always cheerful, always wise in counsel, always patient, he showed himself a hero indeed in those days, and men loved him as never before. Once again, in 1905, his Church

called him to fill the Moderator's chair,—an honour almost if not quite as unknown to precedent as a third term in the Presidency of the United States,—and he went through the fatigue unshaken.

It was my privilege to see him twice during 1905. He came to Manchester, not only to preach to the gathering of the Free Church Council of England, but later, in order to address the students of Lancashire College. On the former occasion he was kind enough to spend some hours at my house, and I heard a little of his talk. There was dignity, and sober discretion, but there was no parade of reserve. He spoke warmly of the kindness of English Nonconformists towards his Church in the hour of its trouble. In a different quarter he made appreciative acknowledgment of Lord Balfour of Burleigh's attitude, and also of that of the then Lord Advocate, Mr. Graham Murray, M.P., now Lord Dunedin. There can be no harm in saying that he described both these eminent men as having risen very much in his opinion through their behaviour during the troubles of the United Church. He said something about another man of eminence, in whose case no such tribute was possible—Lord Robertson; but even



PRINCIPAL RAINY

AS MODERATOR OF THE UNITED FREE CHURCH, 1905

*Photo by John Moffat, Edinburgh*





of him he spoke quite without bitterness. Indeed, there was a trace of humour in Dr. Rainy's talk, as he described circumstances in Mr. Robertson's youth which made it rather to be anticipated that he should dislike than that he should like the Free Church and the policy of its majority. He mentioned also the provision, included in the Act of Parliament for regulating Scottish Church affairs, by which doctrinal liberty was recognised as a thing enjoyed by the Established Church of Scotland. On this his only comment was, "You know they have gained every amelioration in their lot at our cost." He fully appreciated the difficulty of the task of securing justice for the future in matters of Church property; it was "no easy thing," he remarked, to make the unyielding framework of law "fit in" with the changing recognitions of right and duty on the part of historic communities. One proposal which he named with interest, as deserving of consideration, was this: that it should be an instruction to the judges not to determine ownership by doctrinal interpretation, **except** when trust deeds specified certain doctrines. This was upon the lines of the old Free Church Model Trust Deed. That instrument had defined ownership in terms

of certain majority votes. A large majority in the Assembly of the self-governing Church was to be final as fixing ownership, when a union of Churches was followed by a secession. If the majority in the Assembly had been smaller, there was to be local option for the members of the congregation ; but *their* vote, if it had to be invoked, was to be conclusive.

In the recent lawsuit these provisions had counted for nothing. Lawyers had found technical grounds for upsetting the Model Trust Deed and going behind it. The proposal Dr. Rainy mentioned was that law should, in future, make a method like that of the Model Trust Deed normal—only to be interrupted when Church constitutions insisted upon a different procedure. This reform, if carried out, would as far as possible save lawyers from blundering their way through a region where they are of necessity laymen and inexpert. But I must not give the impression that Dr. Rainy forced the point. He named it, as a suggestion well deserving of future consideration. More immediate concerns engrossed him, and he must have felt that the remoter questions were destined for younger hands than his. Reference was also made to the past. He admitted with a smile

that "we all" had been taught to sympathise with opposition to the Dissenters' Chapels Act; and though he did not say so, I thought the hearer was meant to infer that "we all" had gone very far wrong in allowing preference for orthodoxy to varnish injustice with a semblance of justice.

After his sermon before the Free Church Council, one sagacious brother was overheard remarking to a neighbour that it was "not like Joseph Parker." No two men could be more different. Yet Dr. Rainy spoke with great warmth of Parker; indeed, it was a little curious to gather that he had been in the habit of looking at the younger men of the English Free Churches through Parker's eyes. Where Parker felt confidence, he too trusted the man. Where Parker felt distrust, he also was on his guard. Across immense differences of nature and temperament, of thought and expression, they had clasped hands. The old-fashioned element in one man was sympathetic to that in the other. In each case it served as the expression of profound loyalty towards the unchanging gospel of God's unchanging grace.

On both occasions when Dr. Rainy visited Manchester he left, hurriedly and unaccom-

panied, upon the business of his Church. At the second visit he quitted the Assembly Room at Lancashire College before the formal proceedings that followed his address had been concluded. His weighty and telling message once delivered, he swung out of the hall, escorted by Principal Adeney, walking as it seemed with the firm step of many years ago. I was detained behind by routine duty, and I never saw him again.

This wonderful outflow of energy must have involved a strain upon the greatest physical vigour, and, one would almost say, upon the deepest spiritual faith. A time came when the wise counsellor had to draw back from all business at the behest of old age. The sudden weakness did not lessen, but increased. Physicians thought there was a possibility that entire rest during a sea-voyage might restore him, and he started in loving care for Australia, seeming at first to gain ground, but afterwards rapidly falling back again. It was surely well that the bustle of detail and the burden of care were thrust far from the dying Christian, and that his heart was permitted to turn without interruption towards the unseen and eternal



home. Even in the confusion of failing powers, his words were still full of devotion to the church he loved, and of perfect trust in God's guiding care for it. And so, in distant Melbourne, but in a friend's house and with some of those dearest to him at his side, he fell asleep (22nd December 1906). Many weeks afterwards came the last scene of all in his own Edinburgh. His mortal remains, followed by numerous public representatives as well as by private mourners, and watched by great crowds hushed in respectful silence, were laid to rest on 7th March 1907, in the Dean Cemetery, where his beloved wife and more than one dear child had already been laid.

So the leaf is folded down, and upon the blank page now open new men must write new things. They may write better than the lost leader; or they may more easily write worse. But one thing is certain—they will write differently. The problems to be handled will become new. It is more than a single great life that comes to an end with Rainy's disappearance—it is a whole epoch. And, whatever the future brings, it will be long indeed before it shows such another Churchman as he; one who so evidently could have risen to the highest

distinction in any career ; one so ridiculously master of almost every situation, dwarfing the men round about him ; one so many-minded, intricate, almost tortuous in intellect ; one so simple and unspoiled in character ; one so absolutely at home in the old utterances of the old faith.

## APPENDIX

### *NOTE.*

#### LORD HALSBURY AND MR. HALDANE UPON CALVINISM.

THE United Church was punished for breaking with the so-called "Establishment Principle." But the question was also raised whether the Free Church had not broken with Calvinism in passing its Declaratory Act. Several of the Lords, when announcing their decision one way or other, expressed relief that it was unnecessary for them to discuss obscure Calvinistic doctrines. The Lord Chancellor alone rushed in where his colleagues feared to tread, dealt with the doctrinal issue in full, and decided that the Declaratory Act substituted Arminianism for Calvinism. This opinion was of no practical importance; the case was decided independently of it. But it raises two interesting questions for us. What sort of theology is it? And what light do a judge's theological utterances throw upon the capacity of lawyers

for interpreting doctrine? Mr. Haldane, on the other hand, took up the curious position (though he did not put it so) that Calvinism includes Arminianism as half the truth. In the Confession, as well as in the Declaratory Act, he claimed, you may note this antinomy or seeming contradiction. Both documents include both views. On the one hand, every man's salvation or ultimate ruin was foreordained by God. On the other hand, every man has been left free to determine his own lot by accepting or rejecting the gospel.

We must work our way towards the judge and the counsel by affirming some theses regarding Calvinism. It is for brevity's sake that they are stated, as some may think, very dogmatically. In the first place, Calvinism is not fatalism. Like other Christians, the Calvinist repudiates any such plausible deduction from faith in God—All must go well; live easily! God's fatherly power is to inspire, not dispense with, human effort.

Secondly, Calvinism does not involve philosophical determinism, though some have interpreted it so. Jonathan Edwards was a determinist ("he was an extreme Calvinist," as Mr. Haldane rather oddly told the Lords, "writing from America"); so was a still greater evangelical, Thomas Chalmers. But the Westminster Confession of Faith (needlessly enough!) excludes



determinism. There is liberty or contingency in second causes ; especially, Adam and Eve in the Garden of Eden enjoyed Free Will. Libertarianism in the abstract is marked as orthodox, determinism in the abstract as heretical.

In the third place, average Calvinism as found in the Westminster Confession is not Supralapsarian. At the cost even of impairing its logical precision, the Confession is content to affirm that God decreed men's destiny in view of Adam's fall—freely saving some ; only some ; but not decreeing eternal life and eternal shame *in vacuo*, as Supralapsarianism teaches. There were Supralapsarians at the Westminster Assembly, including the chairman or prolocutor, Twisse. Yet in the end the doctrinal parts of the Confession of Faith were unanimously accepted ; and the doctrine, in regard to this particular issue, is Sublapsarian. One presumes that the Supralapsarians considered the Sublapsarian tenets true, so far as they went. We say nothing here as to the merits or value of Sublapsarianism. It is enough for us to notice that the Westminster Confession of Faith, in some respects at least, avoided the extremer positions.

We now come to the points which are seriously debated. Fourthly, Calvinism and the Confession of Faith permit, nay demand, the free offer of God's mercy in the gospel to sinful men.

Only Hyper-Calvinism, a somewhat rare and sectarian form of the creed, denies this. Hyper-Calvinism was really appealed to by the representatives of what is now the legal Free Church ; in doing so they played a winning game ; but the legal Free Church to-day are wincing under the unpopularity of such action. They now say that they protest against Arminianism only, not against the gospel. Their counsel, Mr. Johnston, drew no such distinction. And not less clearly were the Lord Chancellor's interruptions animated by the Hyper-Calvinist assumption that no Calvinist can be an evangelical.

In vain was historical evidence adduced to show that these two things, predestination and a free offer of gospel mercy, were found concurrently in many Calvinistic creeds and treatises. The Thirty-nine Articles were quoted. Lord Alverstone insisted<sup>1</sup> that the Court had nothing to do with any document besides the Westminster Confession, apparently even as a historical parallel, or as furnishing evidence regarding the meaning of words. The Court was to make up its own mind whether two alleged doctrines were logically consistent, or whether they were so inconsistent that they could not possibly both occur within the same creed. Lord Halsbury made a more telling point. He granted the need of historical

<sup>1</sup> *Authorised Report*, edited by Mr. R. L. Orr, p. 483.

illustration,<sup>1</sup> but pointed out that the predestinarianism of the Westminster Confession had been deliberately made more stringent than that of the Thirty-nine Articles.<sup>2</sup> Here, then, perhaps the Lord Chancellor scored a point. But historical illustrations that went against him were very roughly handled. When Calvin's comments upon John iii. 16 were read in Court, Lord Halsbury made the extraordinary retort, "Historically one knows Calvin's views underwent from time to time great change."<sup>3</sup> The truth is, apart from the Reformer's early conversion to Protestantism, he never in essentials changed a hair's-breadth. He had the narrow mathematical type of mind, so typical, one is apt to think, of Frenchmen, which is clean-cut and acute and precocious, but does not grow like the humblest living thing. Through all the revised and enlarged editions of his *Institutes* he altered merely the form, not the substance. The first edition was an astonishing performance for so young a man; the last is little riper. It may be true that Calvin the commentator is fairer and freer from bias than Calvin the dogmatic theologian, but to set him down as a weather-cock is a preposterous way of evading evidence.

Then, again, the Synod of Dort was quoted,<sup>4</sup> and its statements are really very strong, not

<sup>1</sup> *Report*, p. 488.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.* p. 485.

<sup>4</sup> Quotations in *Report*, p. 506.



only on the side of predestination but on the love of God in the gospel. To this Lord Halsbury again and again retorted, "At any rate they put down Arminianism."<sup>1</sup> Of course they did! That was the point! The very persons who put down Arminianism inculcated doctrines which his Lordship persists in regarding as distinctively Arminian; but one cannot see that this surely not recondite argument ever found a chink by which it might enter the Chancellor's mind. Yet assuredly, if we are seeking the original sense, a grain of evidence regarding seventeenth-century belief and usage is worth a bushel of angry ejaculations from the woolsack.

But on the other hand, fifthly, Calvinism does not admit of belief in freewill as the agent in receiving the Christian salvation; and therefore Mr. Haldane's antinomy falls to the ground. He has ignored what the Lord Chancellor tried to bring to his notice, the doctrine of original sin, which, as the Chancellor truly said, is very closely connected with the problems of predestination. The gospel is free, in the scheme of Calvinism, so far as the offer is concerned; but no man is free to accept what the gospel nominally brings within his reach. He lost true freedom at the Fall.

There is indeed high authority for represent-

<sup>1</sup> *Report*, pp. 483, 506; cp. p. 486.



ing Calvinism as a sort of Antinomy, containing two seemingly opposed statements. "Rabbi" Duncan of Edinburgh, who was a Calvinist if ever a Calvinist lived, affirmed this by implication. "Arminianism says, God does half and man does half. Calvinism says, God does all and man does all." Attractive as the suggestion may be, the writer cannot think it is correct as a summary of Calvinism; nay, perhaps it is not even true to the deepest elements in that creed. We find the motto of Calvinism rather in words like these: "The loftiness of man shall be brought down, and the haughtiness of men shall be brought low; and Jehovah alone shall be exalted in that day."<sup>1</sup> Or like these:—"God chose the foolish things of the world, that He might put to shame them that are wise; and God chose the weak things of the world, that He might put to shame the things that are strong; and the base things of the world, and the things that are despised, did God choose, yea and the things that are not, that He might bring to nought the things that are: that no flesh should glory before God."<sup>2</sup> Briefly, God does all and man is nothing. This is a very glorious faith, but liable to corrupt into something very hideous. And, according to Augustinianism,<sup>3</sup> fallen man, in the language of

<sup>1</sup> Isa. ii. 17.

<sup>2</sup> 1 Cor. i. 27-29.

<sup>3</sup> It is amazing to see Mr. Haldane, when representing an

the Westminster Confession, is "utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil." Man then is a mutilated being, void of the essentially human and moral qualities. In a sense, no doubt, man may still be regarded as free. He can choose between indifferent things. He can choose by which of two parallel roads he will go to his dreadful doom. Apparently he can increase, and therefore probably he can diminish, the amount of his condemnation, and of the resulting penalty. But one thing he cannot do: he cannot choose life. And that one thing is everything. What is left in its absence is a painted mockery of free-will.

Let us guard against a misapprehension. There is perhaps *an* antinomy in the Westminster Confession. God rules all things, and yet second causes act freely. But Calvinism is precluded by other doctrines besides that of Predestination from applying this mysterious two-sided theory to the matter of sinful man's salvation. Man is fallen, unfree, helpless.

Mr. Haldane, speaking in the name of Calvinism, again and again describes man as

Evangelical, nay, a Calvinistic Church, throw St. Augustine overboard as a theologian of inferior calibre to—Justin Martyr! (*Report*, pp. 498–499 ; 502). The whole piety of Western Europe protests.

“free.”<sup>1</sup> The Declaratory Act, with some elaborateness, tells us that the sinner is *responsible*. Of course! But it never says man is *free* to accept the offer. According to Mr. Haldane, the Declaratory Act made no change, because free-will had always been believed under Calvinism. According to Lord Halsbury, the Declaratory Act made a fatal change because it introduced the innovation of preaching the gospel. The obvious truth, ignored by both disputants, is that preaching the gospel is no innovation; that effective real free-will would have been a very great innovation; that there is no such innovation to be found; and that the Declaratory Act does not break with Calvinism.<sup>2</sup> One wishes that it did.

It would be interesting if we could believe that Mr. Haldane's clients accepted his antinomy. Have we been looking on at the *euthanasia* of Scottish Calvinism? It certainly has less and less reality of conviction behind it. The Time

<sup>1</sup> One does not know whether Mr. Haldane is a libertarian. He speaks as if he were.

<sup>2</sup> If another argument is needed, one may refer to a writer whom Mr. Haldane quotes, J. B. Mozley. Mozley himself defends the doctrine of antinomies, and complains that Calvinists and Augustinians hold only one half the truth and turn the complementary half out of doors. There is no higher authority than Mozley; and his charge against “Predestinarians” is precisely that they are the men who will not have the “antinomy” to make them wise.



Spirit has breathed upon Calvinism ; one would fain hope the Spirit of the Lord has blown upon it too ; anyway, it is withering. Probably the average Calvinist to-day does believe, illogically, in a sort of antinomy, *applicable to the salvation of man*. He talks, as the Confession of Faith itself talked, of "mystery." If he maintains that God settles all human destinies, he tries to maintain concurrently that, even under sin, man decides. Nay, as the withering of Calvinism makes progress, the emphasis shifts. A generation ago it might have come to this—God did everything, yet in some obscure sense man was free. To-day it is rather, Man accepts or rejects, yet in some mysterious sense God does everything. With the last position one could have little if any quarrel. But what claim has it to be called Calvinism ?

Another point is suggested by Mr. Haldane's manner of treatment. In substance, he represents a school of philosophy not generally associated with the use of the word "antinomies"—confident constructive Idealism. It was a doubtful line he took in trying to show the judges what his philosophy meant and how reasonable it was. Bluff Englishmen do not like to have acrobatic feats forced upon their minds. They thought it jugglery when he explained, very fully, that opposite statements may, and



indeed must, both be true. He frightened them, but he persisted; and then he irritated them. All this made them less than ever likely to listen to his evidence. The plainest bit of common-sense, from him, was suspected as a new mystification. Why would he not accept their imperfect way of putting his point?

*Lord Davey.* "You would say that these are but 'broken lights,' and that the whole truth is 'more than they'—that in the light of the whole truth contradiction disappears, but these are only 'broken lights.'"

*Mr. Haldane.* "Yes; I am glad to take your lordship's words."

*Lord Davey.* "They are not mine, but the words of a much more distinguished person."

*Mr. Haldane.* "I did not mean to suggest that your lordship had invented them on the spur of the moment."

*The Lord Chancellor.* "As to the doctrine itself, Wesley, who has written very much upon the subject, puts it in this way: That free-will and predestination might form an arch in the sky, but could not on the earth. One sees what he means by that. . . ." <sup>1</sup>

Here, first Lord Davey and then Lord Halsbury state the point of view as nearly as a non-Idealist can be expected to grasp it. For a moment, after Lord Davey spoke, Mr.

<sup>1</sup> *Report*, p. 496.

Haldane wavered; but when Lord Halsbury stopped, Counsel was himself again, and the philosophical lecture resumed. Part of the responsibility for a decision against Mr. Haldane's clients must be allotted to that able man's singular lack of judgment. Here one does not speak as a theologian, and therefore not at all as an expert. Yet is it not true?

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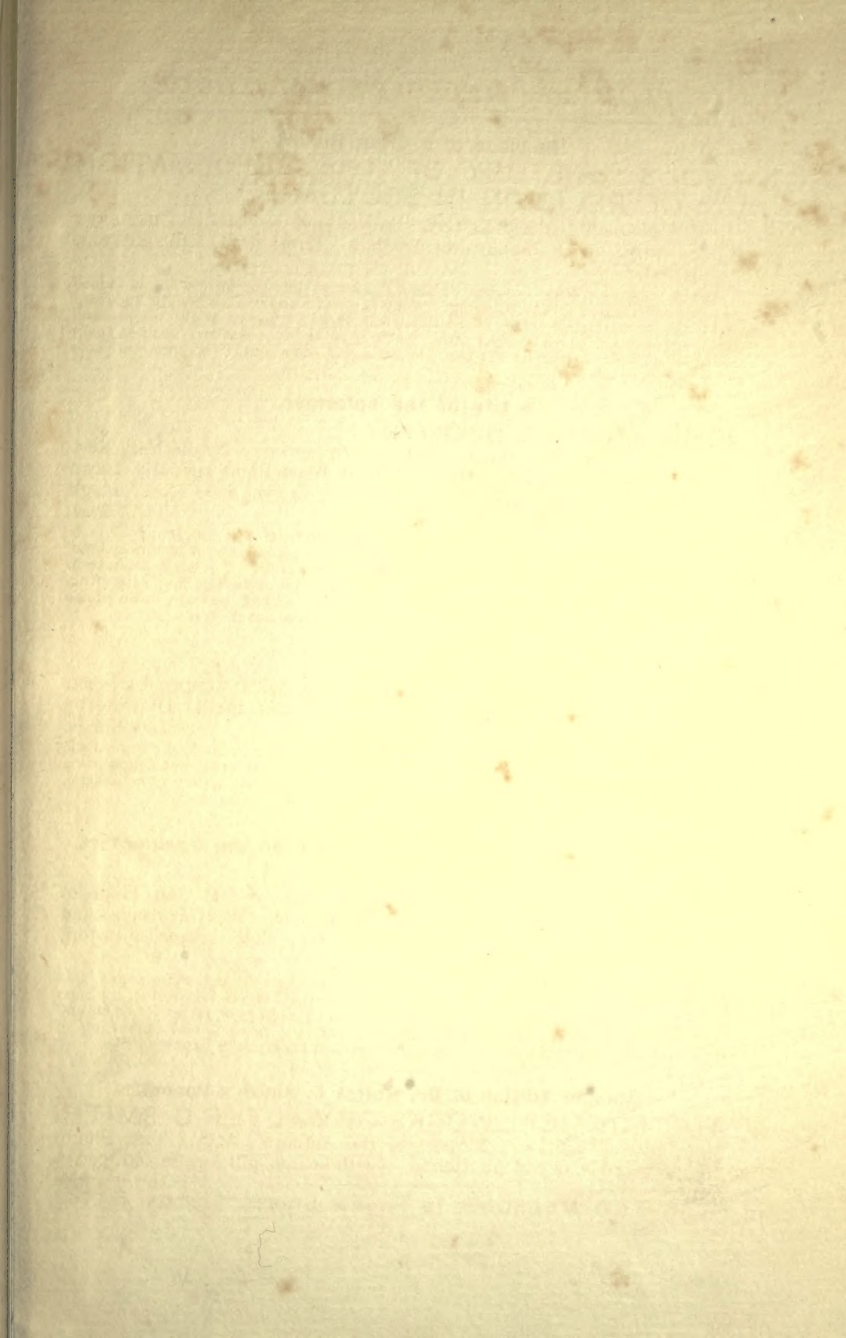
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